
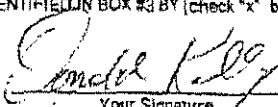


Complaint Issued 03/31/15 Compliance Initiated 05/01/15
 Postcomplaint Bilateral Settlement 05/01/15 Compliance Completed 11/30/15
 SECOND AMENDED COMPLAINT

UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY		FOR FLRA USE ONLY	
 CHARGE AGAINST A LABOR ORGANIZATION		Case No. DA-CO-15-0010	
		Date Filed 12-19-14	
Complete instructions are on the back of this form.			
1. Charged Labor Organization Name: AFGE, Local 2437 Address: 4500 South Lancaster Road, Dallas, Texas 75216 Tel #: (214) 857-0074 Ext. Fax#:		2. Charging Party (Individual, Labor Organization, Activity, or Agency) Name: Department of Veterans Affairs (02) Address: 4500 South Lancaster Road, Dallas, Texas 75216 Tel #: (214) 857-1656 Ext. Fax#: (214) 302-1407	
3. Charged Labor Organization Contact Information Name: Donald Burrell Title: President, AFGE Local 2437 Address: 4500 South Lancaster Road, Dallas, Texas 75216 Tel #: (214) 857-0074 Ext. Fax#:		4. Charging Party Contact Information Name: Kenneth S. Carroll (on behalf of Donald Kelly) Title: Staff Attorney, DVA Address: 4500 South Lancaster Road (02), Dallas, Texas 75216 Tel #: (214) 857-1656 Ext. Fax#: (214) 302-1407	
5. Which subsection(s) of 5 U.S.C. 7116(b) and/or (c) do you believe have been violated? [See reverse] 5 USC 7116(b)(5) ***			
6. Tell exactly WHAT the labor organization did. Start with the DATE and LOCATION, state WHO was involved, including titles. *** This is filed as a ULP and a breach of settlement agreement by Donald Kelly, Chief Negotiator for Veterans Affairs North Texas Health Care System; Veterans Integrated Service Network, Region 17; Veterans Canteen Service, Dallas, Texas; DVA Consolidated Mail Outpatient Pharmacy, Lancaster, Texas; and DVA Dallas-Fort Worth National Cemetery. SEE ATTACHED --NOTE: THIS SECOND AMENDED COMPLAINT IS IDENTICAL TO THE AMENDED COMPLAINT DATED OCTOBER 8, 2014. EXCEPT FOR THE ADDITION OF NUMBERED PARAGRAPH 4 ON THE ATTACHMENT.			
7. Have you or anyone else raised this matter in any other procedure? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, where? [see reverse]			
8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #3 BY (check "x" box) <input type="checkbox"/> Fax <input type="checkbox"/> 1st Class Mail <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail			
Donald Kelly Type or Print Your Name		 Your Signature	
		12/19/2014 Date	

12/19/15
 me
 1:35

1. Based upon an unfair labor practices (ULP) complaint filed by the Agency, on May 30, 2013, the Federal Labor Relations Authority (FLRA) gave notice of filing a ULP complaint against the Union for failing and refusing to bargain a "supplemental local agreement" (SLA) to the Master Agreement between the Department of Veterans Affairs and the American Federation of Government Employees (2011). One of the bases of the complaint was a series of statements by the Union president, Donald Burrell (Burrell), that he would delay any such negotiations and/or completion of such negotiations. The Agency and the Union entered into a settlement of that complaint (Settlement), signed June 26, 2013, in which the Union agreed to negotiate in good faith and further that "it will not unnecessarily delay negotiations." The parties thereafter began negotiations for ground rules (GR).

2. After signing the Settlement, the parties engaged in GR negotiations, during which the Union, through Gary Martinez (Martinez), the Union's Chief Negotiator, Burrell, and Gerald Goodwin (Goodwin), the Union's Vice-President engaged in a breach of the settlement and unfair labor practices by refusing to honor the settlement. As a result, the Agency filed a second ULP. No complaint was filed by the FLRA on that complaint, because of a second settlement negotiated as indicated below. That settlement, however, resulted from the Agency's decision to forge forward with SLA negotiations rather than to permit the Union to continue to delay those negotiations pending a trial of the ULP complaint.

3. On March 27, 2014, the parties signed an impasse settlement agreement (ISA) which resolved the remaining issues for signing GR. The signatories of the ISA were the Chief Negotiators, Kenneth Carroll (Carroll) for the Agency and Martinez for the Union. The mediation for the ISA was conducted by a member of the Federal Services Impasse Panel. Notwithstanding the finalization of all provisions of the GR, the Union delayed signing the final GR and further engaged in delaying tactics and bad faith bargaining by the following conduct:

On April 3, 2014, Carroll sent Martinez an email requesting a meeting to sign the GR. Martinez responded on April 7, 2014, that he would "call . . . tomorrow for preparation of signing the [GR]." Thereafter, Carroll and Martinez signed the GR on April 10, 2014. Pursuant to Article 3 of the GR, the Chief Negotiators are given full authority to sign on any and all agreements between the parties. Further, pursuant to Article 10 of the GR, the parties are required to exchange SLA proposals no later than 60 days after the signing of the GR and to meet to negotiate no later than 120 days after the signing of the GR. Notwithstanding those provisions, on April 10, 2014, Goodwin advised that the GR were "not effective until all parties have signed" and the Union went on to insist that the GR must be signed by Burrell. Burrell did not sign the GR until April 21, 2014, with the Union taking the position that the time limits stated above ran from that date, rather than April 10, 2014. The Union thus delayed negotiations of the SLA for 11 days. Based upon the date the union contended that the GR were "finally signed," SLA proposals were due no later than June 20, 2014. Although the Agency timely delivered its SLA proposals, the Union failed to deliver theirs until June 30, 2014, precipitating another 10-day delay in negotiations. Thereafter, the Union refused to agree to begin negotiations before August 24, 2014, 17 days after the required time for meeting as required by the GR.

The parties first began negotiating the SLA on August 25, 2014. Pursuant to Article 14 of the GR, the parties agreed that they "will provide a reasonable estimate on the anticipated length of [a] caucus and periodic updates if the original estimate needs to be shortened or lengthened." The parties further agreed "that the right to caucus shall not be used to unnecessarily delay negotiations or to prejudice the other party." From the very beginning and continuing throughout all negotiations with the Agency, the Union regularly arrived late at the negotiations, left early, and called caucuses in violation of the GR. Approximately ¾ of all scheduled

negotiations involved the union arriving late, leaving early, or calling caucuses when the circumstances, both before and after, did not indicate such a need. Rarely, if ever, did the Union comply with the quoted provision of the GR regarding caucus updates and estimates.

Regularly, the Union has requested that employees be permitted to attend the negotiations as Union team members or alternates, despite the fact that such employees were not named as team members or alternates, and despite repeated requests from the Agency that the Union update their list of members and alternates. Indeed, without naming her as either a team member or alternate, in September 2014, the Union requested "official" time for Jerica Goodwin, a pharmacist and wife of Goodwin, to attend negotiations for September and three other scheduled sessions, a total of 20 days. Despite her not being listed, the Agency tentatively approved her for attendance on 19 of the 20 days. The one day she was not approved was September 25, 2014, a day in which the Agency was unable to provide pharmacy coverage for her duties. Notwithstanding the fact that the GR do not require the Agency to release an employee to attend negotiations when patient care is at risk, the Union insisted that she be permitted to attend and thereafter, in bad faith, filed a ULP when the Agency declined that request. More particularly, (a) Jerica Goodwin called in "sick" on September 25, 2014, and thus would not have been at the negotiations in any event, and (b) the Union declared that the negotiations for September 25 (the date over which the ULP is filed) and September 26, 2014 were being suspended due to the Agency's declaration of "non-negotiability" regarding a Union proposal and the Union's intent to file a "negotiability determination" to the FLRA. See discussion below regarding the relevant GR section regarding such filings.

Pursuant to Article 21 of the GR, [u]nless mutually agreed by the parties, negotiation of other proposals will continue pending a negotiability determination by the FLRA." Despite that clear language, the Union initially contended that the cited provision did not permit further negotiations until after a negotiability determination by the FLRA, and the Union initially used that interpretation to justify their suspension of negotiations on September 25 and 26, 2014, and further to suspend all negotiations. Notwithstanding that initial stance, the Union thereafter agreed to continue negotiations at the scheduled October session. The Union has never explained, however, how it could have legally suspended negotiations for September 25 and 26, 2014.


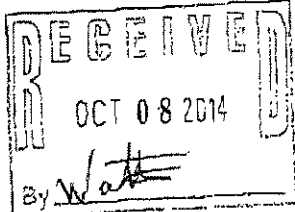
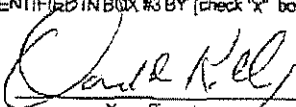
Pursuant to Article 3 of the GR, Each party shall be represented at "the negotiations at all times by one duly authorized Chief Negotiator who is . . . authorized to sign off on agreements made by the parties." Pursuant to Article 18 of the GR, "at the end of each day, the Chief Negotiators will initial and/or sign off on the paper copy of all agreed sections or articles." Despite those provisions, Martinez has sometimes failed and refused to sign off on sections without first obtaining the permission of Burrell. That practice is a violation of Articles 3 and 18 of the GR.

4. Because of the union's conduct as described above, the parties have only had 3 ½ weekly sessions between August and December 2014. To meet the GR requirement of 18 sessions, the parties will have to meet 14 ½ weeks between January 2015 and July 2015, yet Martinez has advised the Agency that it is only willing to meet for 2 sessions in January and one session each in the months of February through June, but no sessions at all in July, a total of 7 sessions. According to that schedule, the parties will have only met 10 ½ times in one year, a total of 7 ½ times fewer than required by the GR. In response to a demand from Kelly that the Union honor the GR, Martinez responded by alleging Kelly was resorting to "this sort of BS." (See attached email string).

The Agency contends that the behavior described above is intentional and malicious, for the purpose of accomplishing Burrell's stated purpose of delaying or preventing the final negotiation of a SLA. Further, the Agency contends that the conduct as described above clearly reflects a complete disregard for the law, the FLRA and any concept of good faith bargaining. For the reasons stated, the Agency requests that a ULP complaint be issued by the FLRA and that the FLRA issue an order (1) barring Martinez, Burrell, and/or Goodwin from participating in any union activity whatsoever, or alternatively, (2) barring Martinez, Burrell, and/or Goodwin from participating in any way with the negotiation of the SLA, or alternatively (3) issuing any other appropriate order, including the requirement of a mediator/observer from the Federal Mediation and Conciliation Service whose normal fees are to be paid solely by the Union.

AMENDED COMPLAINT

Form Exempt Under 44 U.S.C. 3512

	UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST A LABOR ORGANIZATION		FOR FLRA USE ONLY	
			Case No. DA-CO-15-0010	
			Date Filed OCT 8 2014	
Complete instructions are on the back of this form.				
1. Charged Labor Organization Name: AFGE, Local 2437 Address: 4500 South Lancaster Road, Dallas, Texas 75216 Tel.#: (214) 857-0074 Ext. Fax#:		2. Charging Party (Individual, Labor Organization, Activity, or Agency) Name: Department of Veterans Affairs (02) Address: 4500 South Lancaster Road, Dallas, Texas 75216 Tel.#: (214) 857-1656 Ext. Fax#: (214) 302-1407		
3. Charged Labor Organization Contact Information Name: Donald Burrell Title: President, AFGE Local 2437 Address: 4500 South Lancaster Road, Dallas, Texas 75216 Tel.#: (214) 857-0074 Ext. Fax#:		4. Charging Party Contact Information Name: Kenneth S. Carroll (on behalf of Donald Kelly) Title: Staff Attorney, DVA Address: 4500 South Lancaster Road (02), Dallas, Texas 75216 Tel.#: (214) 857-1656 Ext. Fax#: (214) 302-1407		
5. Which subsection(s) of 5 U.S.C. 7116(b) and/or (c) do you believe have been violated? [See reverse] 5 USC 7116(b)(5) ***				
6. Tell exactly WHAT the labor organization did. Start with the DATE and LOCATION, state WHO was involved, including titles. *** This is filed as a ULP and a breach of settlement agreement by Donald Kelly, Chief Negotiator for Veterans Affairs North Texas Health Care System; Veterans Integrated Service Network, Region 17; Veterans Canteen Service, Dallas, Texas; DVA Consolidated Mail Outpatient Pharmacy, Lancaster, Texas; and DVA Dallas-Fort Worth National Cemetery. SEE ATTACHED				
<div style="text-align: right;">  </div>				
7. Have you or anyone else raised this matter in any other procedure? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, where? [see reverse]				
8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #3 BY (check "X" box) <input type="checkbox"/> Fax <input type="checkbox"/> 1st Class Mail <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail Donald Kelly, SPHR Type or Print Your Name				
<div style="text-align: center;">  </div> Your Signature				
<div style="text-align: right;"> 10/02/2014 Date </div>				

1. Based upon an unfair labor practices (ULP) complaint filed by the Agency on May 30, 2013, the Federal Labor Relations Authority (FLRA) gave notice of filing a ULP complaint against the Union for failing and refusing to bargain a "supplemental local agreement" (SLA) to the Master Agreement between the Department of Veterans Affairs and the American Federation of Government Employees (2011). One of the bases of the complaint was a series of statements by the Union president, Donald Burrell (Burrell), that he would delay any such negotiations and/or completion of such negotiations for up to ten years. The Agency and the Union entered into a settlement of that complaint (Settlement), signed June 26, 2013, in which the Union agreed to negotiate in good faith and further that "it will not unnecessarily delay negotiations." The parties thereafter began negotiations for ground rules (GR).

2. After signing the Settlement, the parties engaged in GR negotiations, during which the Union, through Gary Martinez (Martinez), the Union's Chief Negotiator, Burrell, and Gerald Goodwin (Goodwin), the Union's Vice-President, engaged in a breach of the settlement and unfair labor practices by refusing to honor the settlement. As a result, the Agency filed a second ULP. No complaint was filed by the FLRA on that complaint, because of a second settlement negotiated as indicated below. That settlement, however, resulted from the Agency's decision to forge forward with SLA negotiations rather than to permit the Union to continue to delay those negotiations pending a trial of the second ULP complaint.

3. On March 27, 2014, the parties signed an impasse settlement agreement (ISA) which resolved the remaining issues for signing GR. The signatories of the ISA were the Chief Negotiators, Kenneth Carroll (Carroll) for the Agency and Martinez for the Union. The mediation for the ISA was conducted by a member of the Federal Services Impasse Panel. Notwithstanding the finalization of all provisions of the GR, the Union delayed signing the final GR and further engaged in delaying tactics and bad faith bargaining by the following conduct:

On April 3, 2014, Carroll sent Martinez an email requesting a meeting to sign the GR. Martinez responded on April 7, 2014, that he would "call . . . tomorrow for preparation of signing the [GR]." Thereafter, Carroll and Martinez signed the GR on April 10, 2014. Pursuant to Article 3 of the GR, the Chief Negotiators are given full authority to sign any and all agreements between the parties. Further, pursuant to Article 10 of the GR, the parties are required to exchange SLA proposals no later than 60 days after the signing of the GR and to meet to negotiate no later than 120 days after the signing of the GR. Notwithstanding those provisions, on April 10, 2014, Goodwin advised that the GR were "not effective until all parties have signed" and the Union went on to insist that the GR must be signed by Burrell. Burrell did not sign the GR until April 21, 2014, with the Union taking the position that the time limits stated above ran from that date, rather than April 10, 2014. The Union thus delayed negotiations of the SLA for 11 days. Based upon the date the union contended that the GR were "finally signed," SLA proposals were due no later than June 20, 2014. Although the Agency timely delivered its SLA proposals, the Union failed to deliver theirs until June 30, 2014, precipitating another 10-day delay in negotiations. Thereafter, the Union refused to agree to begin negotiations before August 24, 2014, 17 days after the required time for meeting as required by the GR.

The parties first began negotiating the SLA on August 25, 2014. Pursuant to Article 14 of the GR, the parties agreed that they "will provide a reasonable estimate on the anticipated length of [a] caucus and periodic updates if the original estimate needs to be shortened or lengthened." The parties further agreed "that the right to caucus shall not be used to unnecessarily delay negotiations or to prejudice the other party." From the very beginning and continuing

throughout all negotiations with the Agency, the Union regularly arrived late at the negotiations, left early, and called caucuses in violation of the GR. Approximately ¾ of all scheduled negotiations involved the union arriving late, leaving early, or calling caucuses when the circumstances, both before and after, did not indicate such a need. Rarely, if ever, did the Union comply with the quoted provision of the GR regarding caucus updates and estimates. Moreover, during negotiating sessions that began the week of September 22, 2014, held in Arlington, Texas, the Union left the negotiations in violation of the Ground Rules, once to "get ahead of traffic" and another time to caucus at a location not agreed upon by the parties, at the VA hospital in Dallas, Texas. Pursuant to Article 14 of the GR, the parties must caucus in an agreed upon caucus room. Despite that requirement, Martinez responded to a complaint by Kelly in an October email, "what difference or concern [did it make] to the agency where the caucuses [were] held and why?"

Regularly, the Union has requested that employees be permitted to attend the negotiations as Union team members or alternates, despite the fact that such employees were not named as team members or alternates, and despite repeated requests from the Agency that the Union update their list of members and alternates. Indeed, without naming her as either a team member or alternate, in September 2014, the Union requested "official" time for Jerica Goodwin, a pharmacist and wife of Goodwin, to attend negotiations for September and three other scheduled sessions, a total of 20 days. Despite her not being listed, the Agency tentatively approved her for attendance on 19 of the 20 days. The one day she was not approved was September 25, 2014, a day in which the Agency was unable to provide pharmacy coverage for her duties. Notwithstanding the fact that the GR do not require the Agency to release an employee to attend negotiations when patient care is at risk, the Union insisted that she be permitted to attend and thereafter, in bad faith, filed a ULP when the Agency declined that request. More particularly, (a) Jerica Goodwin called in "sick" on September 25, 2014, and thus would not have been at the negotiations in any event, and (b) the Union declared that the negotiations for September 25 (the date over which the ULP is filed) and September 26, 2014 were being suspended due to the Agency's declaration of "non-negotiability" regarding a Union proposal and the Union's intent to file a "negotiability determination" to the FLRA. See discussion below regarding the relevant GR section regarding such filings.

Pursuant to Article 21 of the GR, [u]nless mutually agreed by the parties, negotiation of other proposals will continue pending a negotiability determination by the FLRA." Despite that clear language, the Union initially contended that the cited provision did not permit further negotiations until after a negotiability determination by the FLRA, and the Union initially used that interpretation to justify their suspension of negotiations on September 25 and 26, 2014, and further to suspend all negotiations. Notwithstanding that initial stance, after business hours on September 26, 2014, Martinez advised that the Union would continue negotiations at the scheduled October session. The Union has never explained, however, how it could have legally suspended negotiations for September 25 and 26, 2014.

After agreeing on September 26 to reappear at the negotiations, on or about October 2, 2014, Martinez advised that the Union would not appear for negotiations the week of October 6, on the grounds that the Agency had unilaterally changed the location of the negotiations from Arlington, Texas, to the Dallas VA hospital. However, there was no agreement by the parties to continue negotiations in Arlington. Despite his statement, Martinez indicated in another email that the Union was willing to change the location back to the Dallas VA hospital, where all


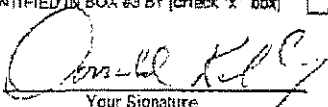
10/06/2014 12:00 PM FAX 703/299-1100

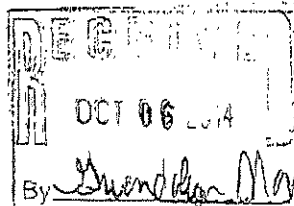
negotiations on GR and the SLA have occurred, but only if the negotiations occurred in a room larger than the HR Conference Room, where all previous negotiations, including GR negotiations and the impasse mediation occurred. The Union then failed to appear for negotiations on October 6 or 7, 2014. Moreover, the Union failed to negotiate at all for a new location, despite an insistence that such was required by the GR. Kelly was advised by Martinez that Burrell would have to do such negotiations, but despite being invited to do so, Burrell failed wholly to respond or negotiate. Indeed, the week prior to the scheduled negotiations, Burrell scheduled other union business, a clear indication that he never intended to appear the week of October 6. Notwithstanding, (1) the GR specifically permits negotiations to occur at the VA hospital and nothing in the GR provides that the HR conference room is unacceptable or inadequate, (2) the Union has regularly looked to the Agency to provide space and has never made any attempt to negotiate or suggest other locations, (3) negotiations in Arlington met with several complaints by the Union as to equipment, (4) the VA hospital HR Conference Room was the place where all previous negotiations and impasse mediation had occurred, and (5) on October 7, 2014, Kelly notified the Union that he had secured a significantly larger conference room for October 8, 2014, but the Union failed to respond or appear for negotiations. The Agency contends that, coupled with the Union's initial suspension of the negotiations for a "negotiability issue"—a clear violations of the GR,—the Union's decision to suspend negotiations over the location, and the Union's failure to appear at a larger conference room, indicates that their "suspension" of negotiations is another effort to continue to delay as long as possible the negotiation of a new SLA.


Pursuant to Article 3 of the GR, Each party shall be represented at "the negotiations at all times by one duly authorized Chief Negotiator who is . . . authorized to sign off on agreements made by the parties." Pursuant to Article 18 of the GR, "at the end of each day, the Chief Negotiators will initial and/or sign off on the paper copy of all agreed sections or articles." Despite those provisions, Martinez has sometimes failed and refused to sign off on sections without first obtaining the permission of Burrell. That practice is a violation of Articles 3 and 18 of the GR.

The Agency contends that the behavior described above is intentional and malicious, for the purpose of accomplishing Burrell's stated purpose of delaying or preventing the final negotiation of a SLA. Further, the Agency contends that the conduct as described above clearly reflects a complete disregard for the law, the FLRA and any concept of good faith bargaining. Indeed, Burrell has repeated several times that he would not honor settlement agreements he has made and that the FLRA cannot make him.

For the reasons stated, the Agency requests that a ULP complaint be issued by the FLRA and that the FLRA issue an order (1) declaring that the current supplement local agreement and all MOUs are null and void --the Union agreed during negotiations to include MOUs, and indeed has included proposals that cover existing MOUs,—and (2) requiring the Union to pay all Agency expenses incurred as a result of the Union's bad faith bargaining.

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY</p> <p>CHARGE AGAINST A LABOR ORGANIZATION</p>		FOR FLRA USE ONLY	
		Case No. <u>DA-CO-15-0010</u>	
		Date Filed <u>OCT - 6 2014</u>	
Compleat instructions are on the back of this form.			
1. Charged Labor Organization Name: AFGE, Local 2437 Address: 4500 South Lancaster Road, Dallas, Texas 75216 Tel.#: (214) 857-0074 Ext. Fax#:		2. Charging Party (Individual, Labor Organization, Activity, or Agency) Name: Department of Veterans Affairs (02) Address: 4500 South Lancaster Road, Dallas, Texas 75216 Tel.#: (214) 857-1656 Ext. Fax#: (214) 302-1407	
3. Charged Labor Organization Contact Information Name: Donald Burrell Title: President, AFGE Local 2437 Address: 4500 South Lancaster Road, Dallas, Texas 75216 Tel.#: (214) 857-0074 Ext. Fax#:		4. Charging Party Contact Information Name: Kenneth S. Carroll (on behalf of Donald Kelly) Title: Staff Attorney, DVA Address: 4500 South Lancaster Road (02), Dallas, Texas 75216 Tel.#: (214) 857-1656 Ext. Fax#: (214) 302-1407	
5. Which subsection(s) of 5 U.S.C. 7116(b) and/or (c) do you believe have been violated? (See reverse) <u>5 USC 7116(b)(5) ***</u>			
6. Tell exactly WHAT the labor organization did. Start with the DATE and LOCATION, state WHO was involved, including titles. *** This is filed as a ULP and a breach of settlement agreement by Donald Kelly, Chief Negotiator for Veterans Affairs North Texas Health Care System; Veterans Integrated Service Network, Region 17; Veterans Canteen Service, Dallas, Texas; DVA Consolidated Mail Outpatient Pharmacy, Lancaster, Texas; and DVA Dallas-Fort Worth National Cemetery. SEE ATTACHED			
7. Have you or anyone else raised this matter in any other procedure? <u>No</u> <u>Yes</u> If yes, where? (see reverse) _____			
8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #3 BY (check "x" box) <input type="checkbox"/> Fax <input type="checkbox"/> 1st Class Mail <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail			
Donald Kelly, SPHR		 Your Signature	
Type or Print Your Name		Date <u>10/02/2014</u>	



	UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY	FOR FLRA USE ONLY
		Case No. DA-CA-15-0015
		Date Filed OCT : 8 2014

Complete instructions are on the back of this form.

1. Charged Activity or Agency Name: Dallas VAMC Address: 4500 S. Lancaster Rd Dallas, TX 75216 Tel.#: (214) 857-1166 Ext. Fax#:	2. Charging Party (Labor Organization or Individual) Name: AFGE Local 2437 Address: PO Box 397963 Dallas, TX 75339 Tel.#: (214) 857-0074 Ext. Fax#: (214) 857-0077
3. Charged Activity or Agency Contact Information Name: Joseph Dalpiaz, Jeff Milligan Title: VISN 17 Director & Dallas VAMC Director Address: 4500 S. Lancaster Rd Dallas, TX 75216 Tel.#: (214) 857-1166 Ext. Fax#:	4. Charging Party Contact Information Name: Donald Burrell Title: President, AFGE Local 2437 Address: PO Box 397963 Dallas, TX 75339 Tel.#: (214) 857-0074 Ext. Fax#: (214) 857-0077

5. Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? [See reverse] (1) and 7116(a)(2), (a)(5)

6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles.

Since on or about September 15, 2014, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), Peter Dancy (Associate Director), Ruth Ann Bechdol (Chief, Pharmacy Service), Barbara Rogers (Chief, HR) and Susan Duquaine (Assistant Chief, Clinical Services) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by refusing to honor the negotiated official time granted to Dr. Jerica Goodwin as an alternate delegate and team member of AFGE Local 2437's negotiation team for the Local Supplemental Agreement (LSA). Additionally, the Dallas VAMC has exhibited bad faith bargaining and repudiated an agreement (Ground Rules for Negotiation of the LSA) reached with AFGE 2437 on April 10, 2014.

Additionally, the Dallas VAMC refusal to honor the Ground Rules for Negotiation of the LSA thereby disabling the Union's ability to have all members of its Negotiation team available for contract negotiations is an act aimed to discourage and intimidate this Local and Dr. Jerica Goodwin solely because of her protected activity and is designed to discourage membership within AFGE Local 2437.



7. Have you or anyone else raised this matter in any other procedure? ☒ No ☐ Yes If yes, where? [see reverse] _____

8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #3 BY [check "x" box] ☒ Fax ☐ 1st Class Mail ☒ In Person
☐ Commercial Delivery ☐ Certified Mail


Donald Burrell
 Type or Print Your Name


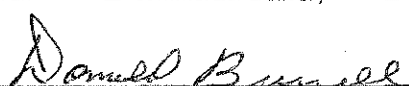
Donald Burrell
 Your Signature



09/23/2014
 Date

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-15-0032</p> <p>Date Filed OCT 24 2014</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>b. Agency Representative (include name, title, address)</p> <p>Joseph Dalpiaz, Jeff Milligan VISN 17 Director & Dallas VAMC Director 4500 S. Lancaster Rd Dallas, TX 75216</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO BOX 39796 Dallas, TX 75339</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell President, AFGE Local 2437 PO BOX 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about October 6, 2014, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), and Kenneth Carroll (Regional Counsel) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by unilaterally changing the location of negotiations for the Local Supplemental Agreement (LSA) scheduled for October 6-10, 2014 in the VISN 17 Executive Conference room located in Arlington, TX. The parties mutually agreed to this location on or about September 24, 2014 pursuant the Ground Rules for LSA Negotiations.</p> <p>Additionally, the Dallas VAMC has exhibited bad faith bargaining and repudiated an agreement (Ground Rules for Negotiation of the LSA) reached with AFGE Local 2437 on April 21, 2014 by violating Section 13 of the Ground Rules for Negotiation of the LSA.</p> <p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input checked="" type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p> <p>c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;"> Donald Burrell  10/18/2014 Type or Print Your Name Your Signature Date </p>			

Dismissed 02/21/15

 UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY		FOR FLRA USE ONLY										
		Case No.	DA-CA-15-0033									
		Date Filed	OCT 24 2014									
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT		2. CHARGING PARTY										
a. Name of Charged Agency (include address, city, state, & ZIP) Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216		a. Name of Charging Party (include address, city, state, & ZIP) AFGE Local 2437 PO BOX 39796 Dallas, TX 75339										
b. Agency Representative (include name, title, address) Joseph Dalpiaz, Jeff Milligan VISN 17 Director & Dallas VAMC Director 4500 S. Lancaster Rd Dallas, TX 75216 tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov		b. Charging Party Representative (include name, title, address) Donald Burrell President, AFGE Local 2437 PO BOX 397960 Dallas, TX 75339 tel. (214)857-4500 fax e-mail donald.burrell@va.gov										
3. BASIS OF THE CHARGE												
a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. Since on or about October 6, 2014, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), and Kenneth Carroll (Regional Counsel) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by refusing to explore all legal avenues and methods to hire Mr. David Mollett as the the Union's Title 38 Subject Matter Expert. Additionally, the Dallas VAMC has exhibited bad faith bargaining and repudiated an agreement (Section 10, Ground Rules for Negotiation of the LSA) reached with AFGE Local 2437 on April 21, 2014 and the Memorandum of Agreement reached on April 24, 2014.												
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input checked="" type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/>												
c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <table border="0"><tr><td><input type="checkbox"/> Grievance Procedure</td><td><input type="checkbox"/> Federal Mediation and Conciliation Service</td><td><input type="checkbox"/> Federal Service Impasses Panel</td></tr><tr><td><input type="checkbox"/> Equal Employment Opportunity Commission</td><td><input type="checkbox"/> Merit Systems Protection Board</td><td><input type="checkbox"/> Office of Special Counsel</td></tr><tr><td><input type="checkbox"/> Other Administrative or Judicial Proceeding</td><td><input type="checkbox"/> Negotiability Appeal to FLRA</td><td><input type="checkbox"/> Other _____</td></tr></table>				<input type="checkbox"/> Grievance Procedure	<input type="checkbox"/> Federal Mediation and Conciliation Service	<input type="checkbox"/> Federal Service Impasses Panel	<input type="checkbox"/> Equal Employment Opportunity Commission	<input type="checkbox"/> Merit Systems Protection Board	<input type="checkbox"/> Office of Special Counsel	<input type="checkbox"/> Other Administrative or Judicial Proceeding	<input type="checkbox"/> Negotiability Appeal to FLRA	<input type="checkbox"/> Other _____
<input type="checkbox"/> Grievance Procedure	<input type="checkbox"/> Federal Mediation and Conciliation Service	<input type="checkbox"/> Federal Service Impasses Panel										
<input type="checkbox"/> Equal Employment Opportunity Commission	<input type="checkbox"/> Merit Systems Protection Board	<input type="checkbox"/> Office of Special Counsel										
<input type="checkbox"/> Other Administrative or Judicial Proceeding	<input type="checkbox"/> Negotiability Appeal to FLRA	<input type="checkbox"/> Other _____										
4. DECLARATION												
I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes] <input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse) Donald Burrell <u>Donald Burrell</u> 10/18/2014 Type or Print Your Name Your Signature Date												

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-15-0034</p> <p>Date Filed OCT 24 2014</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>b. Agency Representative (include name, title, address)</p> <p>Joseph Dalpiaz, Jeff Milligan VISN 17 Director & Dallas VAMC Director 4500 S. Lancaster Rd Dallas, TX 75216</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO BOX 39796 Dallas, TX 75339</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell President, AFGE Local 2437 PO BOX 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about October 10, 2014, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), Barbara Rogers (Chief, HR) and Kenneth Carroll (Regional Counsel) has interfered with, restrained and coerced, and is interfering with, restraining, and coercing its employees in the exercise of their rights guaranteed in Section 7102 of the Federal Service Labor-Management Relations Statue (FSLMR) by the following acts and conduct: the refusal to allow Dr. Gerald Goodwin to serve as a personal representative for Mr. Glenn Smith in a proposed disciplinary action, refusing to provide Dr. Goodwin with the evidence file pertaining to the proposed action issued to Mr. Smith, and unilaterally determining that Mr. Smith is not a member of the bargaining unit.</p> <p>Additionally, the Dallas VAMC's acts outlined above is a direct act of retaliation, discrimination, and reprisal against Dr. Goodwin for having engaged in activities protected by the Statue and serving as an active member of AFGE Local 2437, in reporting mismanagement, discrimination, and abuse of authority within VISN 17 and the Dallas VAMC to members of Congress, assisting employees with the filing of complaints against with Congress the named facilities, participating in informational pickets at the VISN 17 headquarters, representing employees as an Union Officer, and filing grievances, etc.</p> <p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input type="checkbox"/> (2) <input checked="" type="checkbox"/> (3) <input type="checkbox"/> (4) <input checked="" type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p> <p>c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other _____</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;">Donald Burrell  10/18/2014</p> <hr/> <p style="text-align: center;">Type or Print Your Name Your Signature Date</p>			

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-15-0053</p> <p>Date Filed NOV 1 2 2014</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>b. Agency Representative (include name, title, address)</p> <p>Joseph Dalpiaz, Jeff Milligan VISN 17 Director & Dallas VAMC Director 4500 S. Lancaster Rd Dallas, TX 75216</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO BOX 397960 Dallas, TX 75339</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell PO BOX 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about August 1, 2014, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), and Ruth Ann Bechdol (Chief, Pharmacy Service), has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by unilaterally changing working conditions by refusing to fulfill its bargaining obligation related to the criteria and composition of the Pharmacy Residency Advisory Committee (RAC).</p> <p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p> <p>c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other _____</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.</p> <p>THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;"> Donald Burrell  10/24/14 </p> <p style="text-align: center;"> Type or Print Your Name Your Signature Date </p>			



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

DA-CA-15-0054

Date Filed

NOV 12 2014

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

Dallas VAMC
4500 S. Lancaster Rd.
Dallas, TX 75216

b. Agency Representative (include name, title, address)

Joseph Dalpiaz, Jeff Milligan
VISN 17 Director & Dallas VAMC Director
4500 S. Lancaster Rd
Dallas, TX 75216

tel. (214)857-1166

fax

e-mail

jeffery.milligan@va.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Local 2437
PO BOX 397960
Dallas, TX 75339

b. Charging Party Representative (include name, title, address)

Donald Burrell
PO BOX 397960
Dallas, TX 75339

tel. (214)857-4500

fax

e-mail

donald.burrell@va.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

Since on or about August 22, 2014, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), Jimmie Gillum (Asst Chief-Operations, Pharmacy) and Ruth Ann Bechdol (Chief, Pharmacy Service), has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by unilaterally changing working conditions by unilaterally eliminating the ability of pharmacy inpatient technicians to execute phone calls to any outside numbers at extension 77573 and eliminating the ability of the pharmacy technicians to receive calls placed from a phone number that is outside of the medical facility. These changes in working conditions were a result of a unilateral change in phone extensions in the inpatient technician work area from 70573 to 77573 for the specific purpose of enacting the aforementioned changes without prior notification to or negotiations with this Local.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ☒ (2) ☐ (3) ☐ (4) ☐ (5) ☒ (6) ☐ (7) ☐ (8) ☐

c. Have you or anyone else raised this matter in any other procedure? No ☒ Yes ☐ If yes, where?

- | | | |
|--|---|---|
| <input type="checkbox"/> Grievance Procedure | <input type="checkbox"/> Federal Mediation and Conciliation Service | <input type="checkbox"/> Federal Service Impasses Panel |
| <input type="checkbox"/> Equal Employment Opportunity Commission | <input type="checkbox"/> Merit Systems Protection Board | <input type="checkbox"/> Office of Special Counsel |
| <input type="checkbox"/> Other Administrative or Judicial Proceeding | <input type="checkbox"/> Negotiability Appeal to FLRA | <input type="checkbox"/> Other _____ |

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☒ In Person ☐ 1st Class Mail ☒ Fax ☐ Commercial Delivery ☐ Certified Mail ☐ e-mail (see reverse)

Donald Burrell

Donald Burrell

10/24/14

Type or Print Your Name

Your Signature

Date

WITHDRAWN 03/02/15



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

DA-CA-15-0055

Date Filed

NOV 12 2014

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

Dallas VAMC
4500 S. Lancaster Rd.
Dallas, TX 75216

b. Agency Representative (include name, title, address)

Joseph Dalpiaz, Jeff Milligan
VISN 17 Director & Dallas VAMC Director
4500 S. Lancaster Rd
Dallas, TX 75216

tel. (214)857-1166

fax

e-mail

jeffery.milligan@va.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Local 2437
PO BOX 397960
Dallas, TX 75339

b. Charging Party Representative (include name, title, address)

Donald Burrell
PO BOX 397960
Dallas, TX 75339

tel. (214)857-4500

fax

e-mail

donald.burrell@va.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

Since on or about September 18, 2014, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), Jimmie Gillum (Asst Chief-Operations, Pharmacy) and Ruth Ann Bechdol (Chief, Pharmacy Service), has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by unilaterally changing working conditions by reducing the number of offices allocated to bargaining unit employees within the main pharmacy area by assigning/allowing Jimmie Gillum to occupy office #1B520E-2J-d (former ADPAC office) without prior notification to or fulfilling its bargaining obligations.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ☒ (2) ☐ (3) ☐ (4) ☐ (5) ☒ (6) ☐ (7) ☐ (8) ☐

c. Have you or anyone else raised this matter in any other procedure? No ☒ Yes ☐ If yes, where?

- | | | |
|--|---|---|
| <input type="checkbox"/> Grievance Procedure | <input type="checkbox"/> Federal Mediation and Conciliation Service | <input type="checkbox"/> Federal Service Impasses Panel |
| <input type="checkbox"/> Equal Employment Opportunity Commission | <input type="checkbox"/> Merit Systems Protection Board | <input type="checkbox"/> Office of Special Counsel |
| <input type="checkbox"/> Other Administrative or Judicial Proceeding | <input type="checkbox"/> Negotiability Appeal to FLRA | <input type="checkbox"/> Other _____ |

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☒ In Person ☐ 1st Class Mail ☒ Fax ☐ Commercial Delivery ☐ Certified Mail ☐ e-mail (see reverse)

Donald Burrell

Donald Burrell

10/24/14

Type or Print Your Name

Your Signature

Date


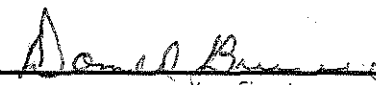


UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No. **DA-CA-15-0056**
Date Filed **NOV 12 2014**

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT		2. CHARGING PARTY	
a. Name of Charged Agency (include address, city, state, & ZIP) Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216		a. Name of Charging Party (include address, city, state, & ZIP) AFGE Local 2437 PO BOX 397960 Dallas, TX 75339	
b. Agency Representative (include name, title, address) Joseph Dalpiaz, Jeff Milligan VISN 17 Director & Dallas VAMC Director 4500 S. Lancaster Rd Dallas, TX 75216 tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov		b. Charging Party Representative (include name, title, address) Donald Burrell PO BOX 397960 Dallas, TX 75339 tel. (214)857-0074 fax e-mail donald.burrell@va.gov	
3. BASIS OF THE CHARGE			
a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. Since on or about October 1, 2014 and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), Dr. Sasha Webb (Chief, Surgical Services), and Scott Foster (AO, Surgical Services) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by unilaterally changing working conditions by compelling the mid-level orthopedic providers (physician assistants) to provide on-call coverage without fulfilling its bargaining obligation.			
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/>			
c. Have you or anyone else raised this matter in any other procedure? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other _____			
4. DECLARATION			
I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes] <input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse) Donald Burrell <u>Donald Burrell</u> 10/24/14 Type or Print Your Name Your Signature Date			

 <div style="display: inline-block; vertical-align: middle;"> <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p> </div>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-15-0057</p> <p>Date Filed NOV 12 2014</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>b. Agency Representative (include name, title, address)</p> <p>Joseph Dalpiaz, Jeff Milligan VISN 17 Director & Dallas VAMC Director 4500 S. Lancaster Rd Dallas, TX 75216</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO BOX 397960 Dallas, TX 75339</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell PO BOX 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about October 12, 2014, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director) and Jeff Milligan (Director, Dallas VAMC) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by unilaterally changing working conditions by relocating the Dialysis unit from the 3rd floor of the medical center to the SCI gym without prior notification to and/or fulfilling its bargaining obligations.</p>			
<p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p>			
<p>c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;">Donald Burrell  10/24/14</p> <p style="text-align: center;">Type or Print Your Name Your Signature Date</p>			

UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY	FOR FLRA USE ONLY
	Date Filed: 12/3/2014 Case Number: DA-CA-15-0078

Charged Activity or Agency**Name:** DEPARTMENT OF VETERANS AFFAIRS, Medical Center**Address:** Dallas, TX**Phone No.:** **Fax No.:****Charged Activity or Agency Contact Information****Email:** jeffery.milligan@va.gov**Name:** Mr. Jeff Milligan**Title:** Director**Address:** VA Medical Center, 4500 S. Lancaster Road, Dallas, TX 75216**Phone No.:** (214) 857-1112 **Fax No.:****Charging Party (Labor Organization or Individual)****Name:** AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, Local 2836**Address:** Bonham, TX**Phone No.:** **Fax No.:****Charging Party Contact Information****Email:** danny.loyd@va.gov**Name:** Mr. Danny Loyd**Title:** Chief Steward, AFGE Local 2836**Address:** 1201 E 9th St, Bonham, TX 75418**Phone No.:** (903) 449-9560 **Fax No.:****5. Which subsection(s) of 5.U.S.C. 7116(a) do you believe have been violated?**

(a)(1), (a)(5), (a)(6), (a)(8)

6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles:

On October 2, 2014, I requested a copy of records on a case that was being handled for an employee by an outside attorney. This was well within the rights of the employee, but as the sole representative for all bargaining unit employees, AFGE Local 2836 should have been in on every meeting and conference call concerning this matter. Having received no reply by October 7, 2014, I submitted a formal request on Union letterhead again requesting the information. The same day that Ms. Franks received the request, I was given a reply that we were not entitled to the information because we were not the employees representative. I reminded Ms. Franks that according to the Statute and the Master Agreement between AFGE and VA, we were the sole representative for all employees and therefore entitled to any all documentation concerning this case. By October 27, 2014, I had not heard anything back in response to my request, therefore I filed a 3rd Step grievance against management with Jeffery Milligan, Director VANTHCS, for failure to supply information. Mr. Milligan then assigned the case to Ms. Franks, the individual that had not complied with original request. As of the date of this filing, we have not received the information or a reply to our grievance. I feel that this action not only violates 5 U.S.C. 7116(a) as indicated but also 5 U.S.C. 7114(b)4 which deals with the right of the Union to requested information. This is why I feel that this matter is applicable to come before the Authority after it has been addressed in the grievance process. The Agency continues to withhold the information and also appears to not want to negotiate in good faith on this matter.

7. Have you or anyone else raised this matter in any other procedure?

Yes

If yes, where?

3rd Step Grievance dated October 27, 2014 to which we have no reply.

8. ☒ I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON ALL PERSONS IDENTIFIED IN BOX #3 BY:

Email ☒
In Person ☐



Fax ☐
Comm.Delivery ☐



First Class Mail ☐
Certified Mail ☐

Danny Loyd
Type or Print your name

Signed: Danny Loyd
Your Signature

12/3/2014
Date

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-15-0157</p> <p>Date Filed MAR 13 2015</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>Department of Veteran's Affairs 4500 S. Lancaster Rd Dallas, TX 75216</p> <p>b. Agency Representative (include name, title, address)</p> <p>Barbara Rogers Acting Chief Negotiator (vice Donald Kelley) 4500 S. Lancaster Rd Dallas TX 75216</p> <p>tel. (214) 857-2010 fax (214) 302-1407</p> <p>e-mail barbarar.rogers@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald R. Burrell PO Box 397960 Dallas, TX 75339</p> <p>tel. 214-857-4500 fax 214-857-0077</p> <p>e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>ON 3/9/15, Barbara Rogers, Acting as Chief Negotiator for the Agency, introduced for negotiation an article on MOUs (labeled by management Article 10) disallowed by the Article 19 of the Ground Rules (enclosed) thereby bargaining in bad faith.</p>			
<p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p>			
<p>c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel</p> <p><input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel</p> <p><input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other _____</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;"> Donald R. Burrell  3/9/15 </p> <p style="text-align: center;"> Type or Print Your Name Your Signature Date </p>			

 UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY		FOR FLRA USE ONLY Case No. DA-CA-15-0211 Date Filed APR 16 2015	
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT a. Name of Charged Agency (include address, city, state, & ZIP) Dallas VA Medical Center (549) 4500 S Lancaster Av Dallas TX 75216 b. Agency Representative (include name, title, address) Jeffery L. Milligan Director Dallas VA Medical Center (549) 4500 S Lancaster Av Dallas TX 75216 tel. 214.857.1150 fax e-mail jeffery.milligan@va.gov		2. CHARGING PARTY a. Name of Charging Party (include address, city, state, & ZIP) Gregory J. Bijak MD 288 Becky Ln Waxahachie TX 75165 b. Charging Party Representative (include name, title, address) Gregory J. Bijak MD 288 Becky Ln Waxahachie TX 75165 tel. 469.552.6519 fax e-mail gbijak@hotmail.com	
3. BASIS OF THE CHARGE a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. <p>I am a physician at the VA North Texas Health System. I believe that I was retaliated against for attempting to exercise my rights under 5 U.S.C. 7114 of the United States Code. On January 12, 2015, I was called into the office of my supervisor, Dr. Sum-Ping (Chairman, Anesthesiology and Pain Management Service, Dallas VA Medical Center). He refused to allow me to have a union representative present at this meeting. Only after I insisted, did he relent.</p> <p>I believed that this meeting was regarding potential disciplinary action against me, given Dr. Sum-Ping's ongoing coercion to have me resign full time employment under false pretenses. Shortly after this meeting, Dr. Sum-Ping solicited false statements from resident physician trainees about my job performance in retaliation for exercising my right to have a union representative present.</p> <p>On February 18, 2015, I was called once again to Dr. Sum-Ping's office for disciplinary reasons. When I informed Dr. Sum-Ping that I would like a representative from the union to join us, he threatened me with further disciplinary action should I not come to his office "by the end of the day" - which left me 15 minutes until the end of the day.</p> <p>The next day (February 19, 2015), I was ordered by Edmund Perry (Administrative Officer) to come to the department secretary's office (Pamela Gilchrist) on an equipment issue (exchange of a pager), where the Administrative Officer for the department was waiting, at which time he handed me a letter of suspension.</p>			
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input checked="" type="checkbox"/> (3) <input type="checkbox"/> (4) <input checked="" type="checkbox"/> (5) <input type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input checked="" type="checkbox"/>			
c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Other Administrative or Judicial Proceeding </div> <div> <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Negotiability Appeal to FLRA </div> <div> <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other </div> </div>			
4. DECLARATION I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes] <input type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)			
Gregory J. Bijak _____ Type or Print Your Name		 _____ Your Signature	
		April 14, 2015 _____ Date	

Dismissed 07/31/15

Form Exempt Under 44 U.S.C. 3512

<p>UNITED STATES OF AMERICA</p> <p>FEDERAL LABOR RELATIONS AUTHORITY</p> <p>CHARGE AGAINST A LABOR ORGANIZATION</p>	<p>FOR FLRA USE ONLY</p>
	<p>Date Filed: 5/12/2015</p> <p>Case Number: DA-CO-15-0250</p>

Charged Labor Organization

Name: AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, Local 2437

Address: Dallas, TX

Phone No:

Fax No.

Charged Labor Organization Contact Information

Email: donald.burrell@va.gov

Name: Donald Burrell

Title: President

Address: POB 397960, Dallas, TX 75339

Phone No: (214) 847-4500

Fax No. (214) 857-0077

Charging Party (Individual, Labor Organization, Activity or Agency)

Name: INDIVIDUAL

Address: 9670 Forest Lane, Dallas, TX 75243

Phone No: (214) 937-7924

Fax No.

Charging Party Contact Information

Email: curtisdrprec1@att.net

Name: Delores P Curtis

Title: Secretary

Address: 9670 Forest Lane, #1116, Dallas, TX 75243

Phone No: (214) 934-7924

Fax No.:

5. Which subsection(s) of 5.U.S.C. 7116(b) and/or (c) do you believe have been violated?
(b)(4), (c)(1), (c)(2)
6. Tell exactly WHAT the labor organization did. Start with the DATE and LOCATION, state WHO was involved, including titles:

This is a formal grievance complaint against AFGE/AFL-CIO, Local 2437. The local union is located at the Veterans Hospital in Dallas, Texas. Below you will find chronological order of events supporting my grievance complaint.

04/21/15

AFGE representatives presented at "new employee" orientation during which the presentation was very intense, story-laced with examples of why employees need AFGE representation, fast-paced, and accompanied with a \$100.00 incentive for those who joined. I am stating, officially, that I felt coerced to join for fear of non-representation, if and when needed. The same atmosphere was inclusive for enrollment for AFGE Life Insurance.

Later, after reaching home and being unable to sleep because I felt I had made an ill-advised decision to enroll as a member of Local 2437, I knew that I must request cancellation of my enrollment.

04/22/15

Contacted Mr. Munoz and requested withdrawal from the enrollment, as he passed out his card at orientation. He informed me, during a follow-up call I placed to his cell, that he would destroy my enrollment for life insurance. He further informed me that I had to contact the AFGE office regarding membership enrollment. These events occurred during early morning business hours.

I placed a call to AFGE Local 2437 business office. I explained my desire to withdraw my enrollment. I was told that it would be impossible because the fiscal office had the enrollment form and it had already been encoded. This was not true regarding encoding. I contacted Ms. Brown, Bldg., 45 Fiscal Services, in person. We spoke and she said all she needed was SF-1188 and that it usually takes approximately two weeks for new memberships to be input into the system. A copy of my application was provided to me. I read it thoroughly this time. At orientation, no mention was made regarding inability to withdraw. The forms were given to us. We were told to fill them out and given \$100 incentives for becoming a new member.

I emailed Mr. Donald Burrell, authorizing official on SF 1187, detailing my conflict with Local 2437. The SF 1187 is self-explanatory regarding withdrawal procedure. I further understand that Standard Form 1188, Cancellation of Payroll Deductions for Labor Organization Dues, is available from my empowering agency, and that I may cancel this authorization by filling out Standard Form 1188 or other written cancellation request with the payroll office. The statement on Form 1187 regards allotments. I do not have any charged allotments in payroll at the time of my request to terminate enrollment application.

I am not a member of the union until my application is keyed into the payroll system. I attempted to do everything in my power, within a reasonable turnaround time of less than 24 hours, to stop my application.

Local 2437 administrative office stone-walled me and refused to honor my request for withdrawal of my application. How can these unfair practices be tolerated? They are morally unethical in my situation. If I had been entered into the payroll system prior to my request for withdrawal, there would be no need for me to file a grievance. This is not the case. So, I was left with no other recourse than to fight for my rights as a veteran and government employee against the ethics of Local 2437.

According to Union Rights and Privileges, Article 45, Section 6, Sub-section A, I quote..."In order for the SF-1188 to be timely, it must be submitted to the union during the 10 calendar days ending on the anniversary date of original allotment..." I have no original allotment at this time so I have no anniversary date.

Hence, as of this writing and date, my encoding to the payroll system had not occurred before I requested SF-1188. How can it be a binding agreement when there is no allotment assigned in the fiscal payroll system?

The actions of Local 2437 will present harmful financial hardship on a PTSD service-connected female veteran. I had the \$100 incentive given during orientation enrollment with me to return to Local 2437 today. I was met with hostility at the local union office.

This is unacceptable and un-American. There was no mention by union representatives that signing for enrollment was Binding and that there was NO GRACE PERIOD.

7. Have you or anyone else raised this matter in any other procedure?

Yes

If yes, where?

tjohnsinc@aol.com, thomaa1@afge.org, BORERD@afge.org

District Ofc by voicemail to Cheryl Eliano

8. ☒ I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON ALL PERSONS IDENTIFIED IN BOX #3 BY:

Email ☒
In Person ☐

Fax ☒
Comm.Delivery ☐

First Class Mail ☐
Certified Mail ☐

Delores P Curtis
Type or Print your name

Signed: Delores P Curtis
Your Signature

5/12/2015
Date

Dismissed 12/24/15



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No. **DA-CA-15-0288**

Date Filed **MAY 28 2015**

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

Dallas VAMC & VISN 17
4500 S. Lancaster Rd.
Dallas, TX 75216

b. Agency Representative (include name, title, address)

Wendell Jones, Jeff Milligan
VISN 17 Network Director & Dallas VAMC Director

tel. (214)857-1166

fax

e-mail jeff.milligan@va.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Local 2437
PO Box 397960
Dallas, TX 75339

b. Charging Party Representative (include name, title, address)

Donald Burrell
President, AFGE Local 2437
PO Box 397960
Dallas, TX 75339

tel. (214)857-4500

fax (214)857-0077

e-mail donald.burrell@va.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

On or about April 6, 2015, and at all times thereafter, VISN 17 and the Dallas VAMC, by its supervisors, officials, and/or agents, Wendell Jones (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), Lyle Thorstenson (Chief Ophthalmology), and Kimberly Molengraaf (supervisor) unjustly and unfairly downgraded Ms. Deon Madsen midterm proficiency rating for 2015 to that of "needs improvement" because of her membership and/or activities related to AFGE Local 2437 and retaliated and engaged in reprisal against Ms. Madsen for having engaged in activities protected by the Statute.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ☒ (2) ☒ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐

c. Have you or anyone else raised this matter in any other procedure? No ☐ Yes ☐ If yes, where?

☐ Grievance Procedure

☐ Federal Mediation and Conciliation Service

☐ Federal Service Impasses Panel

☐ Equal Employment Opportunity Commission

☐ Merit Systems Protection Board

☐ Office of Special Counsel

☐ Other Administrative or Judicial Proceeding

☐ Negotiability Appeal to FLRA

☐ Other

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☒ In Person

☐ 1st Class Mail

☐ Fax

☐ Commercial Delivery

☐ Certified Mail

☒ e-mail (see reverse)

Donald Burrell

Type or Print Your Name

Donald Burrell (as)

Your Signature

5/1/15

Date



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

DA-CA-15-0289

Date Filed

MAY 28 2015

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

Dallas VAMC & VISN 17
4500 S. Lancaster Rd.
Dallas, TX 75216

b. Agency Representative (include name, title, address)

Wendell Jones, Jeff Milligan
VISN 17 Network Director & Dallas VAMC Director

tel. (214)857-1166

fax

e-mail

jeff.milligan@va.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Local 2437
PO Box 397960
Dallas, TX 75339

b. Charging Party Representative (include name, title, address)

Donald Burrell
President, AFGE Local 2437
PO Box 397960
Dallas, TX 75339

tel. (214)857-4500

fax (214)857-0077

e-mail

donald.burrell@va.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

On or about April 23, 2015, and at all times thereafter, VISN 17 and the Dallas VAMC, by its supervisors, officials, and/or agents, Wendell Jones (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), Ken Carroll (Counsel), Don Kelly (Chief Negotiator) and Barbara Rogers (Labor Relations, Counsel) engaged in bad faith bargaining and attempted to change an agreement reached during negotiations of the Local Supplemental Agreement, Article 7 Section 2a.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ☒ (2) ☐ (3) ☐ (4) ☐ (5) ☒ (6) ☒ (7) ☐ (8) ☐

c. Have you or anyone else raised this matter in any other procedure? No ☐ Yes ☐ If yes, where?

☐ Grievance Procedure

☐ Federal Mediation and Conciliation Service

☐ Federal Service Impasses Panel

☐ Equal Employment Opportunity Commission

☐ Merit Systems Protection Board

☐ Office of Special Counsel

☐ Other Administrative or Judicial Proceeding

☐ Negotiability Appeal to FLRA

☐ Other

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☒ In Person

☐ 1st Class Mail

☐ Fax

☐ Commercial Delivery

☐ Certified Mail

☒ e-mail (see reverse)

Donald Burrell

Donald Burrell (sr)

May 1, 2015

Type or Print Your Name

Your Signature

Date



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

DA-CA-15-0290

Date Filed

MAY 28 2015

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

Dallas VAMC & VISN 17
4500 S. Lancaster Rd.
Dallas, TX 75216

b. Agency Representative (include name, title, address)

Wendell Jones, Jeff Milligan
VISN 17 Network Director & Dallas VAMC Director

tel. (214)857-1166

fax

e-mail

jeff.milligan@va.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Local 2437
PO Box 397960
Dallas, TX 75339

b. Charging Party Representative (include name, title, address)

Donald Burrell
President, AFGE Local 2437
PO Box 397960
Dallas, TX 75339

tel. (214)857-4500

fax (214)857-0077

e-mail

donald.burrell@va.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

On or about April 27, 2015, and at all times thereafter, VISN 17 and the Dallas VAMC, by its supervisors, officials, and/or agents, Wendell Jones (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), Lyle Thorstenson (Chief Ophthalmology), and Kimberly Molengraaf (supervisor) disparately and discriminately sent notification to Ms. Deon Madsen requiring her to submit a daily review of tasks without mandating this daily requirement of her colleagues because of her membership and/or activities related to AFGE Local 2437 and retaliated and engaged in reprisal against Ms. Madsen for having engaged in activities protected by the Statute.

Additionally, the above engaged in bad faith bargaining and repudiated an agreement reached on April 6, 2015 by the agency and the Union that Ms. Madsen would not be required to submit a daily review of tasks.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ☒ (2) ☒ (3) ☐ (4) ☐ (5) ☒ (6) ☒ (7) ☐ (8) ☐

c. Have you or anyone else raised this matter in any other procedure? No ☐ Yes ☐ If yes, where?

- | | | |
|--|---|---|
| <input type="checkbox"/> Grievance Procedure | <input type="checkbox"/> Federal Mediation and Conciliation Service | <input type="checkbox"/> Federal Service Impasses Panel |
| <input type="checkbox"/> Equal Employment Opportunity Commission | <input type="checkbox"/> Merit Systems Protection Board | <input type="checkbox"/> Office of Special Counsel |
| <input type="checkbox"/> Other Administrative or Judicial Proceeding | <input type="checkbox"/> Negotiability Appeal to FLRA | <input type="checkbox"/> Other |

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☒ In Person ☐ 1st Class Mail ☐ Fax ☐ Commercial Delivery ☐ Certified Mail ☒ e-mail (see reverse)

Donald Burrell

Donald Burrell (02)

May 1, 2015

Type or Print Your Name

Your Signature

Date


FOR FLRA USE ONLY

Case No. DA-CA-15-0307
Date Filed JUN 08 2015

Form Exempt Under 44 U.S.C. 3512

DA-CA-15-0308

Amended

 UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY		FOR FLRA USE ONLY	
		Case No.	DA-CA-15-0308
		Date Filed	SEP 04 2015
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT		2. CHARGING PARTY	
a. Name of Charged Agency (include address, city, state, & ZIP)		a. Name of Charging Party (include address, city, state, & ZIP)	
Dallas VAMC 4500 S. Lancaster Rd Dallas, TX 75215 (214)857-1166		AFGE Local 2437 PO BOX 397960 Dallas, TX 75339 (214)857-4500	
b. Agency Representative (include name, title, address)		b. Charging Party Representative (include name, title, address)	
Jeff Milligan Dallas VAMC Director 4500 S. Lancaster Rd Dallas, TX 75216 (214)857-1166		Donald Burrell President, AFGE Local 2427 PO BOX 397960 Dallas, TX 75339 (214)857-4500	
tel. fax		tel. (214)857-4500 fax (214)857-0077	
e-mail jeffery.milligan@va.gov		e-mail donald.burrell@va.gov	
3. BASIS OF THE CHARGE			
a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.			
<p>Since on or about May 21, 2015, and at all times thereafter, the Dallas VAMC, by its supervisors, officials, and/or agents, Jeff Milligan (Director, Dallas VAMC), Ruth Ann Bechdol (Chief, Pharmacy), and Helena Robinson (HR specialist) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by refusing to honor the negotiated official time granted to Dr. Jerica Goodwin as a team member and <u>note taker</u> of AFGE Local 2437's negotiation team for the Local Supplemental Agreement (LSA). Additionally, the Dallas VAMC has exhibited bad faith bargaining and repudiated an agreement (Ground Rules for Negotiation of the LSA) reached with AFGE 2437 on April 10, 2014.</p> <p><i>On May 20, 2015, the parties above also violated the Ground Rules + refused to negotiate in good faith by refusing to honor the negotiated official time granted to Dr. Jerica Goodwin as a team member & alternate team member.</i></p> <p>Additionally, the Dallas VAMC refusal to honor the Ground Rules for Negotiation of the LSA thereby disabling the Union's ability to have all members of its Negotiation team available for contract negotiations is an act aimed to discourage and intimidate this Local and Dr. Jerica Goodwin solely based on her protected activity and is designed to discourage membership within AFGE Local 2437.</p> <p>Lastly, this acts represent continually retaliation and reprisal against Dr. Jerica Goodwin solely based on her protected activity and her husband's, Dr. Gerald Goodwin, affiliation and position with AFGE Local 2437.</p> <p>On May 20, 2015 during a brief meeting with Dr. Gerald Goodwin and I, Don Kelly stated team members had to be released by the Agency on official time.</p>			
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input checked="" type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/>			
c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where?			
<input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other			
4. DECLARATION			
I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1002.			
THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY (check all appropriate boxes)			
<input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse)			
Donald Burrell		5/21/15	
Type or Print Your Name		Your Signature	
		Date	



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No. **DA-CA-15-0308**

Date Filed **JUN 08 2015**

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

Dallas VAMC
4500 S. Lancaster Rd
Dallas, TX 75216
(214)857-1166

b. Agency Representative (include name, title, address)

Jeff Milligan
Dallas VAMC Director
4500 S. Lancaster Rd
Dallas, TX 75216
(214)857-1166

tel.

fax

e-mail

jeffery.milligan@va.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Local 2437
PO BOX 397960
Dallas, TX 75339
(214)857-4500

b. Charging Party Representative (include name, title, address)

Donald Burrell
President, AFGE Local 2427
PO BOX 397960
Dallas, TX 75339
(214)857-4500

tel. (214)857-4500

fax (214)857-0077

e-mail

donald.burrell@va.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

Since on or about May 21, 2015, and at all times thereafter, the Dallas VAMC, by its supervisors, officials, and/or agents, Jeff Milligan (Director, Dallas VAMC), Ruth Ann Bechdol (Chief, Pharmacy), and Helena Robinson (HR specialist) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by refusing to honor the negotiated official time granted to Dr. Jerica Goodwin as a team member and *note taker* of AFGE Local 2437's negotiation team for the Local Supplemental Agreement (LSA). Additionally, the Dallas VAMC has exhibited bad faith bargaining and repudiated an agreement (Ground Rules for Negotiation of the LSA) reached with AFGE 2437 on April 10, 2014.

Additionally, the Dallas VAMC refusal to honor the Ground Rules for Negotiation of the LSA thereby disabling the Union's ability to have all members of its Negotiation team available for contract negotiations is an act aimed to discourage and intimidate this Local and Dr. Jerica Goodwin solely based on her protected activity and is designed to discourage membership within AFGE Local 2437.

Lastly, this acts represent continually retaliation and reprisal against Dr. Jerica Goodwin solely based on her protected activity and her husband's, Dr. Gerald Goodwin, affiliation and position with AFGE Local 2437.

On May 20, 2015 during a brief meeting with Dr. Gerald Goodwin and I, Don Kelly stated team members had to be released by the Agency on official time.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ☒ (2) ☒ (3) ☐ (4) ☐ (5) ☒ (6) ☐ (7) ☐ (8) ☐

c. Have you or anyone else raised this matter in any other procedure? No ☒ Yes ☐ If yes, where?

- ☐ Grievance Procedure ☐ Federal Mediation and Conciliation Service ☐ Federal Service Impasses Panel
☐ Equal Employment Opportunity Commission ☐ Merit Systems Protection Board ☐ Office of Special Counsel
☐ Other Administrative or Judicial Proceeding ☐ Negotiability Appeal to FLRA ☐ Other _____

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☒ In Person ☐ 1st Class Mail ☐ Fax ☐ Commercial Delivery ☐ Certified Mail ☒ e-mail (see reverse)

Donald Burrell


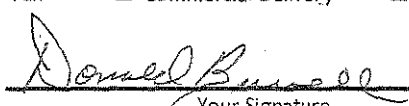
Donald Burrell


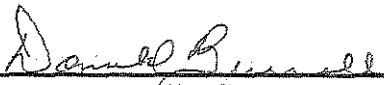
5/21/15

Type or Print Your Name

Your Signature


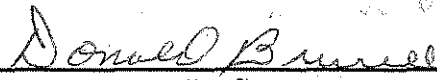
Date

 UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY		FOR FLRA USE ONLY Case No. DA-CA-15-0334 Date Filed JUN 23 2015	
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT a. Name of Charged Agency (include address, city, state, & ZIP) Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216 b. Agency Representative (include name, title, address) Wendell Jones (VISN 17 Director), Jeff Milligan (Dallas VAMC Director), Kendrick Brown (Associate Director, Dallas VA) 4500 S. Lancaster Rd. Dallas, TX 75216 tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov		2. CHARGING PARTY a. Name of Charging Party (include address, city, state, & ZIP) AFGE Local 2437 PO Box 397960 Dallas, TX 75339 b. Charging Party Representative (include name, title, address) Donald Burrell President, AFGE Local 2437 PO Box 397960 Dallas, TX 75339 tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov	
3. BASIS OF THE CHARGE a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. Since on or about June 15, 2015 and at all times thereafter, Kendrick Brown, Jeff Milligan, and Wendell Jones has interfered with, restrained, and coerced, and is interfering with, restraining, and coercing its employees in the exercise of their rights guaranteed in Section 7102 of the Federal Service Labor-Management Relations Statute, by the following acts and conduct: On June 15, 2015 Kendrick Brown sent an email telling Dr. Gerald Goodwin that he needed to be in his office at 3pm for a meeting. Kendrick Brown then sent a subsequent email on June 15, 2015 giving Dr. Goodwin a direct order to be in his office at 3pm on June 15, 2015. Although Dr. Goodwin informed Kendrick Brown that he was on official time for the entire week of June 15-19, 2014; therefore, he (KB) nor the agency had the authority to issue direct orders to union officials while they are on official time acting in their official capacity as a representative on AFGE Local 2437, Kendrick Brown still was insistent on issuing the direct order and requiring me to meet with him in his office. Additionally, the issuance of this direct order also interfered with AFGE Local 2437's preparation, participation, and negotiation of the Local Supplemental Agreement (LSA) that was being negotiated at that time and is still under negotiation.			
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input type="checkbox"/> (2) <input checked="" type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/>			
c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other _____			
4. DECLARATION I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes] <input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse) <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Donald Burrell Type or Print Your Name </div> <div style="width: 30%; text-align: center;">  Your Signature </div> <div style="width: 30%; text-align: right;"> June 17, 2015 Date </div> </div>			


 <div style="margin-left: 20px;"> <p>UNITED STATES OF AMERICA</p> <p>FEDERAL LABOR RELATIONS AUTHORITY</p> <p>CHARGE AGAINST AN AGENCY</p> </div>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-15-0335</p> <p>Date Filed JUN 23 2015</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>b. Agency Representative (include name, title, address)</p> <p>Wendell Jones (VISN 17 Director), Jeff Milligan (Dallas VAMC Director), Kendrick Brown (Associate Director, Dallas VA) 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell President, AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about June 15, 2015 and at all times thereafter, Kendrick Brown, Jeff Milligan, and Wendell Jones has interfered with, restrained, and coerced, and is interfering with, restraining, and coercing its employees in the exercise of their rights guaranteed in Section 7102 of the Federal Service Labor-Management Relations Statute, by the following acts and conduct: On June 15, 2015 Kendrick Brown sent an email telling Mr. Donald Burrell that he needed to be in his office at 3pm for a meeting. Kendrick Brown then sent a subsequent email on June 15, 2015 giving Mr. Burrell a direct order to be in his office at 3pm on June 15, 2015. Dr. Goodwin informed Kendrick Brown that he (KB) nor the agency had the authority to issue direct orders to union officials while they are on official time acting in their official capacity as a representative on AFGE Local 2437, Kendrick Brown still was insistent on issuing the direct order and requiring me to meet with him in his office. Additionally, the issuance of this direct order also interfered with AFGE Local 2437's preparation, participation, and negotiation of the Local Supplemental Agreement (LSA) that was being negotiated at that time and is still under negotiation.</p> <p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p> <p>c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.</p> <p>THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;"> <div style="display: inline-block; width: 30%;">Donald Burrell</div> <div style="display: inline-block; width: 30%; text-align: center;">  </div> <div style="display: inline-block; width: 30%; text-align: right;">June 17, 2015</div> </p> <p style="text-align: center;"> <div style="display: inline-block; width: 30%;">Type or Print Your Name</div> <div style="display: inline-block; width: 30%; text-align: center;">Your Signature</div> <div style="display: inline-block; width: 30%; text-align: right;">Date</div> </p>			

Settlement 02/22/16

Compliance Pending

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY</p> <p>CHARGE AGAINST AN AGENCY</p>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-15-0346</p> <p>Date Filed JUN 30 2015</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>Dallas VAMC & VISN 17 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>b. Agency Representative (include name, title, address)</p> <p>Wendell Jones, Jeff Milligan VISN 17 Network Director & Dallas VAMC Director</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell President, AFGE Local 2437 PO BOX 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about March 18, 2015, and at all times thereafter, VISN 17 and the Dallas VAMC, by its supervisors, officials, and/or agents Dr. Wendell Jones (VISN 17 Director) and Jeff Milligan (Director, Dallas VAMC), and Alan Bernstein (Associate Director, Patient Care Services) has failed to provide the exclusive representative with data requested by the Union concerning the membership of the Nursing Professional Standards Board thereby in violation of 7114(b)(4).</p> <p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p> <p>c. Have you or anyone else raised this matter in any other procedure? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.</p> <p>THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse)</p> <p>Donald Burrell  5/18/2015</p> <p>Type or Print Your Name Your Signature Date</p>			

REMARK: RETURNED TO INVESTIGATOR WITH DISMISSED 11/20/15
 Appealed 12/23/15

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-15-0347</p> <p>Date Filed JUN 30 2015</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>Dallas VAMC & VISN 17 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>b. Agency Representative (include name, title, address)</p> <p>Wendell Jones, Jeff Milligan VISN 17 Network Director & Dallas VAMC Director</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell President, AFGE Local 2437 PO BOX 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about April 10, 2015, and at all times thereafter, VISN 17 and the Dallas VAMC, by its supervisors, officials, and/or agents Dr. Wendell Jones (VISN 17 Director) and Jeff Milligan (Director, Dallas VAMC) has failed to provide the exclusive representative with data requested by the Union regarding the hiring of contract employees and the associated processes of hiring contract employees at the Dallas VAMC thereby in violation of 7114(b)(4).</p> <p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p> <p>c. Have you or anyone else raised this matter in any other procedure? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;"> Donald Burrell <i>Donald Burrell</i> 5/18/2015 </p> <p style="text-align: center;"> Type or Print Your Name Your Signature Date </p>			



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No. _____

DA-CA-15-0348

Date Filed

JUN 30 2015

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

Dallas VAMC & VISN 17
4500 S. Lancaster Rd.
Dallas, TX 75216

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Local 2437
PO Box 397960
Dallas, TX 75339

b. Agency Representative (include name, title, address)

Wendell Jones, Jeff Milligan
VISN 17 Network Director & Dallas VAMC Director

tel. (214)857-1166

fax

jeffery.milligan@va.gov

b. Charging Party Representative (include name, title, address)

Donald Burrell
President, AFGE Local 2437
PO BOX 397960
Dallas, TX 75339

tel. (214)857-4500

fax (214)857-0077

e-mail

donald.burell@va.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

On or about April 24, 2015, and at all times thereafter, VISN 17 and the Dallas VAMC, by its supervisors, officials, and/or agents Dr. Wendell Jones (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), and Selma Gomez-Carney (Lab tech supervisor) threatened to downgrade Mr. Samuel Mohan from a grade 5 to a grade 4 phlebotomist if he didn't agree to change his tour of duty from 730am-400pm to that of 5am-130pm instead of allowing him to return to his previous position and grade because of his membership and/or activities related to AFGE Local 2437 and retaliated and engaged in reprisal against Mr. Mohan for having engaged in activities protected by the Statue.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ☒ (2) ☒ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐

c. Have you or anyone else raised this matter in any other procedure? No ☐ Yes ☐ If yes, where?

☐ Grievance Procedure ☐ Federal Mediation and Conciliation Service ☐ Federal Service Impasses Panel
☐ Equal Employment Opportunity Commission ☐ Merit Systems Protection Board ☐ Office of Special Counsel
☐ Other Administrative or Judicial Proceeding ☐ Negotiability Appeal to FLRA ☐ Other _____

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☒ In Person ☐ 1st Class Mail ☐ Fax ☐ Commercial Delivery ☐ Certified Mail ☒ e-mail (see reverse)

Donald Burrell

Donald B. Bunnell

5/18/2015

Type or Print Your Name _____

Your Signature _____

Date _____



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

DA-CA-15-0349

Date Filed

JUN 30 2015

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

Dallas VAMC & VISN 17
4500 S. Lancaster Rd.
Dallas, TX 75216

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Local 2437
PO Box 397960
Dallas, TX 75339

b. Agency Representative (include name, title, address)

Wendell Jones, Jeff Milligan
VISN 17 Network Director & Dallas VAMC Director

tel. (214)857-1166

fax

e-mail

jeffery.milligan@va.gov

b. Charging Party Representative (include name, title, address)

Donald Burrell
President, AFGE Local 2437
PO BOX 397960
Dallas, TX 75339

tel. (214)857-4500

fax (214)857-0077

e-mail

donald.burrell@va.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

On or about May 11, 2015, and at all times thereafter, VISN 17 and the Dallas VAMC, by its supervisors, officials, and/or agents Dr. Wendell Jones (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), and Helena Robinson (Labor Relations Specialist) disparately engaged in an act of harassment by conducting an unauthorized investigation into Dr. Jerica Goodwin's attendance and leave usage by sending an unsolicited email to Dr. Jerica Goodwin's supervisor regarding her time/attendance and leave usage because of her membership and/or activities related to AFGE Local 2437 and retaliated and engaged in reprisal against Dr. Jerica Goodwin for having engaged in activities protected by the Statue, and due to her husband's affiliation with AFGE Local 2437 and his having engaged in activities protected by the Statue. To my knowledge, no other AFGE Local 2437 officers' or stewards' supervisors were contacting in this manner and for the same purpose.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ☒ (2) ☒ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐c. Have you or anyone else raised this matter in any other procedure? No ☐ Yes ☐ If yes, where?☐ Grievance Procedure☐ Federal Mediation and Conciliation Service☐ Federal Service Impasses Panel☐ Equal Employment Opportunity Commission☐ Merit Systems Protection Board☐ Office of Special Counsel☐ Other Administrative or Judicial Proceeding☐ Negotiability Appeal to FLRA☐ Other**4. DECLARATION**

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☒ In Person☐ 1st Class Mail☐ Fax☐ Commercial Delivery☐ Certified Mail☒ e-mail (see reverse)



Donald Burrell



5/18/2015

Type or Print Your Name

Your Signature


Date

 UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY		FOR FLRA USE ONLY Case No. DA-CA-15-0350 Date Filed JUN 30 2015	
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT a. Name of Charged Agency (include address, city, state, & ZIP) Dallas VAMC & VISN 17 4500 S. Lancaster Rd. Dallas, TX 75216 b. Agency Representative (include name, title, address) Wendell Jones, Jeff Milligan VISN 17 Network Director & Dallas VAMC Director tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov		2. CHARGING PARTY a. Name of Charging Party (include address, city, state, & ZIP) AFGE Local 2437 PO Box 397960 Dallas, TX 75339 b. Charging Party Representative (include name, title, address) Donald Burrell President, AFGE Local 2437 PO BOX 397960 Dallas, TX 75339 tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov	
3. BASIS OF THE CHARGE a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. On or about May 11, 2015, and at all times thereafter, VISN 17 and the Dallas VAMC, by its supervisors, officials, and/or agents Dr. Wendell Jones (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), and Selma Gomez-Carney (phlebotomy supervisor) has refused to consult or negotiate concerning personnel policies, practices, and procedures, and matters affecting working conditions with AFGE Local 2437 by engaging in acts and conduct involving bypassing the Union and attempting to negotiate and pressuring Mr. Samuel Mohan into changing his tour of duty from 730-1600 to 500-1300 without prior notification to or negotiating with AFGE Local 2437, thereby engaging in an act to undermine the status of said labor organization as bargaining agent.			
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input checked="" type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/>			
c. Have you or anyone else raised this matter in any other procedure? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other _____			
4. DECLARATION I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes] <input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse)			
Donald Burrell _____ Type or Print Your Name		 _____ Your Signature	
		5/18/2015 _____ Date	

 UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY		FOR FLRA USE ONLY Case No. DA-CA-15-0351 Date Filed JUN 30 2015										
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT a. Name of Charged Agency (include address, city, state, & ZIP) Dallas VAMC 4500 S. Lancaster Rd Dallas, TX 75216 (214)857-1166 b. Agency Representative (include name, title, address) Jeff Milligan Dallas VAMC Director 4500 S. Lancaster Rd Dallas, TX 75216 (214)857-1166 tel. _____ fax _____ e-mail <u>jeffery.milligan@va.gov</u>		2. CHARGING PARTY a. Name of Charging Party (include address, city, state, & ZIP) AFGE Local 2437 PO BOX 397960 Dallas, TX 75339 (214)857-4500 b. Charging Party Representative (include name, title, address) Donald Burrell President, AFGE Local 2427 PO BOX 397960 Dallas, TX 75339 (214)857-4500 tel. (214)857-4500 fax (214)857-0077 e-mail <u>donald.burrell@va.gov</u>										
3. BASIS OF THE CHARGE a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. <p>Since on or about May 20, 2015, and at all times thereafter, the Dallas VAMC, by its supervisors, officials, and/or agents, Jeff Milligan (Director, Dallas VAMC), Ruth Ann Bechdol (Chief, Pharmacy), and Helena Robinson (HR specialist) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by refusing to honor the negotiated official time granted to Dr. Jerica Goodwin as a team member and alternate member of AFGE Local 2437's negotiation team for the Local Supplemental Agreement (LSA). Additionally, the Dallas VAMC has exhibited bad faith bargaining and repudiated an agreement (Ground Rules for Negotiation of the LSA) reached with AFGE 2437 on April 10, 2014.</p> <p>Additionally, the Dallas VAMC refusal to honor the Ground Rules for Negotiation of the LSA thereby disabling the Union's ability to have all members of its Negotiation team available for contract negotiations is an act aimed to discourage and intimidate this Local and Dr. Jerica Goodwin solely based on her protected activity and is designed to discourage membership within AFGE Local 2437.</p> <p>Lastly, this acts represent continually retaliation and reprisal against Dr. Jerica Goodwin solely based on her protected activity and her husband's, Dr. Gerald Goodwin, affiliation and position with AFGE Local 2437.</p>												
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input checked="" type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/>												
c. Have you or anyone else raised this matter in any other procedure? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Grievance Procedure</td> <td><input type="checkbox"/> Federal Mediation and Conciliation Service</td> <td><input type="checkbox"/> Federal Service Impasses Panel</td> </tr> <tr> <td><input type="checkbox"/> Equal Employment Opportunity Commission</td> <td><input type="checkbox"/> Merit Systems Protection Board</td> <td><input type="checkbox"/> Office of Special Counsel</td> </tr> <tr> <td><input type="checkbox"/> Other Administrative or Judicial Proceeding</td> <td><input type="checkbox"/> Negotiability Appeal to FLRA</td> <td><input type="checkbox"/> Other _____</td> </tr> </table>				<input type="checkbox"/> Grievance Procedure	<input type="checkbox"/> Federal Mediation and Conciliation Service	<input type="checkbox"/> Federal Service Impasses Panel	<input type="checkbox"/> Equal Employment Opportunity Commission	<input type="checkbox"/> Merit Systems Protection Board	<input type="checkbox"/> Office of Special Counsel	<input type="checkbox"/> Other Administrative or Judicial Proceeding	<input type="checkbox"/> Negotiability Appeal to FLRA	<input type="checkbox"/> Other _____
<input type="checkbox"/> Grievance Procedure	<input type="checkbox"/> Federal Mediation and Conciliation Service	<input type="checkbox"/> Federal Service Impasses Panel										
<input type="checkbox"/> Equal Employment Opportunity Commission	<input type="checkbox"/> Merit Systems Protection Board	<input type="checkbox"/> Office of Special Counsel										
<input type="checkbox"/> Other Administrative or Judicial Proceeding	<input type="checkbox"/> Negotiability Appeal to FLRA	<input type="checkbox"/> Other _____										
4. DECLARATION I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes] <input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse)												
Donald Burrell _____ Type or Print Your Name		 _____ Your Signature										
		May 20, 2015 _____ Date										


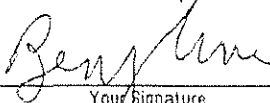
Dismissed 12/01/15

Form Exempt Under 44 U.S.C. 3512

 UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST A LABOR ORGANIZATION		FOR FLRA USE ONLY	
		Case No.	DA-CD-15-0383
		Date Filed	JUL 28 2015
Consider instructions on the back of this form.			
1. Charged Labor Organization Name: AFGE, Local 2437 Address: 4500 South Lancaster Road, Dallas, Texas 75218 Tel.#: (214) 857-0074 Ext. Fax:		2. Charging Party (individual, Labor Organization, Activity, or Agency) Name: Department of Veterans Affairs (DVA) Address: 4500 South Lancaster Road, Dallas, Texas 75218 Tel.#: (214) 857-1858 Ext. Fax: (214) 302-1407	
3. Charged Labor Organization Contact Information Name: Donald Burrell Title: President, AFGE Local 2437 Address: 4500 South Lancaster Road, Dallas, Texas 75218 Tel.#: (214) 857-0074 Ext. Fax:		4. Charging Party Contact Information Name: Kenneth S. Carroll (on behalf of Donald Kelly) Title: Staff Attorney, DVA Address: 4500 South Lancaster Road (D2), Dallas, Texas 75218 Tel.#: (214) 857-1858 Ext. Fax: (214) 302-1407	
5. Which subsection(s) of 5 U.S.C. 7116(b) and/or (c) do you believe have been violated? (See reverse) 5 USC 7116(b)(5)			
6. Tell exactly WHAT the labor organization did. Start with the DATE and LOCATION, state WHO was involved, including titles. *** This is filed as a ULP, and a non-compliance and breach of settlement agreement by Donald Kelly, Chief Negotiator for Veterans Affairs North Texas Health Care System; Veterans Integrated Service Network, Region 17; Veterans Canteen Service, Dallas, Texas; DVA Consolidated Mail Outpatient Pharmacy, Lancaster, Texas; and DVA Dallas-Fort Worth National Cemetery. This ULP and breach of settlement is filed against Richard Shaw, Union Vice-President, Donald Burrell, Union President, and Gary Martinez, Union Chief Negotiator. By a settlement in DA-CD-15-0010, dated April 29, 2015, the Union agreed that it would not bargain in bad faith during collective bargaining negotiations over a local supplemental agreement with the Agency by refusing or failing to schedule meetings to continue negotiations or by failing to meet, in accordance with the ground rules agreement. On July 24, 2015, via email and signed letter, Richard Shaw, Union Vice-President, Gary Martinez, Union Chief Negotiator, and Donald Burrell, Union President, refused to resume negotiations in violation of the ground rules and in violation of the referenced settlement agreement. See attached documents.			
7. Have you or anyone else raised this matter in any other procedure? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, where? (see reverse)			
8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #3 BY (check "X" box) <input type="checkbox"/> Fax <input type="checkbox"/> 1st Class Mail <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail Donald Kelly Type or Print Your Name Your Signature Date 7/28/15			

FLRA Form 23 (Rev. 1/99)

Form Exempt Under 44 U.S.C. 3512

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY</p> <p>CHARGE AGAINST AN AGENCY</p>	FOR FLRA USE ONLY	
	Case No. DA-CA-15-0389	
	Date Filed JUL 31 2015	
Complete instructions are on the back of this form.		
1. Charged Activity or Agency Name: Readjustment Counseling Center, North Texas VHCS Address: 4500 S. Lancaster Rd. Dallas, TX 75216 Tel.#: (214) 857-1254 Ext. Fax#:	2. Charging Party (Labor Organization or Individual) Name: AFGE Local 1972 Address: 3807 Maywood Street, Alexandria, LA Tel.#: (318) 466-2705 Ext. Fax#: (318) 483-5067	
3. Charged Activity or Agency Contact Information Name: Gregory Burt Title: Deputy Regional Director Address: Tel.#: Ext. Fax#:	4. Charging Party Contact Information Name: Ben Johnson Title: Union President Address: 3807 Maywood Street Tel.#: (318) 730-1442 Ext. Fax#: (318) 483-5067	
5. Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? [See reverse] (1) and (2)		
6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles. <p>On July 24, 2015, the Union was provided with an email from Vet Center Management Official, Ms. Elizabeth Nolen regarding a request to add a tour of duty for BU employees assigned to the Vet Center. On July 27, 2015 the Union provided Ms. Nolen with an email, requesting additional information regarding a proposed tour change. The Union further informed Ms. Nolen that a tour of duty change, is a change in working conditions for BU employees. In addition, the Union requested a copy of the National Directive, Ms. Nolen referenced in her email.</p> <p>The Union later learned that Ms. Nolen sent a change for tour request to fiscal services while removing the Union from the routing notice.</p> <p>It is the Union's position; Ms. Nolen intentionally used evasive tactics and unresponsiveness to deter the Union from exercising its statutory right to pre-decisional involvement, information requests and to bargain in good faith and duty to consult on behalf of BUEs. It is also the Union's position, that Ms. Nolen used such evasive tactic to send a chilling effect throughout the bargaining.</p> <p>It is the Union's position that Management Agent, Elizabeth Nolen, an agent of Gregory Burt, did intentionally violated § 7116 (a) (1) (5) and has committed a by-pass by changing working conditions without consulting and negotiating with the Union and consequently meeting directly with staff regarding a change in working conditions. Subsequently, the direct consequences of the by-pass is a violation of statute: § 7117, which stipulates that the Agency has to provide the Union, as the exclusive representative of the bargaining unit, the right to exercise a "duty to bargain in good faith; (in regards to a) compelling need; (as well as a) duty to consult as long as the is not inconsistent with "any Federal law or any Government-wide rule or regulation, extend to matters which are the subject of any rule or regulation only if the rule or regulation is not a Government-wide rule or regulation." Likewise, Ms. Nolen's non-responsiveness to the request for information is a violation of § 7114(b)(4), which stipulates that it is the duty of the agency "to negotiate in good faith and shall be duly obligated to furnish the exclusive representative, upon request and, to the extent not prohibited by law, data, which is: 1) Normally maintained by the agency in the regular course of business; 2) Reasonably available; 3) Necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining; and 4) And does not constitute guidance, advice, counsel, or training provided for management officials or supervisors, relating to bargaining." Conclusively, Ms. Nolen did not include the Union in pre-decisional involvement, thus the lack of Union presence ultimately discourages BUEs from participation in the local labor organization. Subsequently, the Union asserts that the harm to employees was reasonably foreseeable and that Ms. Nolen failed to exercise the appropriate duty of care when she excluded the Union from involvement. Ms. Nolen's negligence coupled with her arbitrary and capricious tactics are a direct violation of 5 USC 7116 (a) (1) and (2) which state that "to interfere with, restrain, or coerce any employee in the exercise by the employee of any right under this chapter; (2) to encourage or discourage membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other conditions of employment."</p>		
7. Have you or anyone else raised this matter in any other procedure? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, where? [see reverse]		
8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #3 BY [check "x" box] <input checked="" type="checkbox"/> Fax <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> In Person <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail		
Ben Johnson Type or Print Your Name		 Your Signature
		07/31/2015 Date



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

DA-CA-15-0456

Date Filed

SEP 04 2015

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

Dallas VAMC & VISN 17
4500 S. Lancaster Rd.
Dallas, TX 75216

b. Agency Representative (include name, title, address)

Wendell Jones, Jeff Milligan
VISN 17 Director & Dallas VAMC Director

tel. (214)857-1166

fax

e-mail

jeffery.milligan@va.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Local 2437
PO Box 397960
Dallas, TX 75339

b. Charging Party Representative (include name, title, address)

Donald Burrell
President, AFGE Local 2437
PO Box 397960
Dallas, TX 75339

tel. (214)857-4500

fax (214)857-0077

e-mail

donald.burrell@va.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

Since on or about July 13, 2015, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Dr. Wendell Jones (VISN 17 Director) and Jeff Milligan (Director, Dallas VAMC) has failed to provide the exclusive representative with data requested by the Union concerning the hiring of Mr. Don Kelly and Ms. Frankie Manning for the purpose of assisting the agency with the negotiation of a new Local Supplemental Agreement thereby being in violation of 7114(b)(4). This information is relevant to the Unions's function as exclusive representative.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ☒ (2) ☐ (3) ☐ (4) ☐ (5) ☒ (6) ☐ (7) ☐ (8) ☐

c. Have you or anyone else raised this matter in any other procedure? No ☐ Yes ☐ If yes, where?

☐ Grievance Procedure ☐ Federal Mediation and Conciliation Service ☐ Federal Service Impasses Panel
☐ Equal Employment Opportunity Commission ☐ Merit Systems Protection Board ☐ Office of Special Counsel
☐ Other Administrative or Judicial Proceeding ☐ Negotiability Appeal to FLRA ☐ Other _____

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☒ In Person ☐ 1st Class Mail ☐ Fax ☐ Commercial Delivery ☐ Certified Mail ☒ e-mail (see reverse)

Donald Burrell


Donald Burrell (Chg)

27 August 15


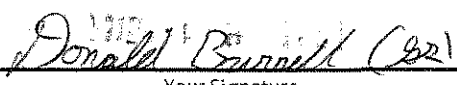
Type or Print Your Name


Your Signature

Date

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-15-0457</p> <p>Date Filed SEP 04 2015</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>Dallas VAMC & VISN 17 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>b. Agency Representative (include name, title, address)</p> <p>Wendell Jones, Jeff Milligan VISN 17 Director & Dallas VAMC Director</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell President, AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about July 24, 2015 and August 13, 2015, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Dr. Wendell Jones (VISN 17 Director) and Jeff Milligan (Director, Dallas VAMC) has failed to provide the exclusive representative with data requested by the Union concerning the hiring of Dr. Clark Gregg thereby being in violation of 7114(b)(4). This information is relevant to the Union's function as exclusive representative.</p>			
<p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p>			
<p>c. Have you or anyone else raised this matter in any other procedure? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.</p> <p>THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;"> Donald Burrell <i>Donald Burrell</i> 27 August 15 </p> <p style="text-align: center;"> Type or Print Your Name Your Signature Date </p>			



Pending

 <div>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</div>		FOR FLRA USE ONLY	
		Case No. DA-CA-15-0458	Date Filed SEP 04 2015
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT		2. CHARGING PARTY	
a. Name of Charged Agency (include address, city, state, & ZIP) Dallas VAMC & VISN 17 4500 S. Lancaster Rd. Dallas, TX 75216		a. Name of Charging Party (include address, city, state, & ZIP) AFGE Local 2437 PO Box 397960 Dallas, TX 75339	
b. Agency Representative (include name, title, address) Wendell Jones, Jeff Milligan VISN 17 Director & Dallas VAMC Director tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov		b. Charging Party Representative (include name, title, address) Donald Burrell President, AFGE Local 2437 PO Box 397960 Dallas, TX 75339 tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov	
3. BASIS OF THE CHARGE			
a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. Since on or about August 10, 2015, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, JDr. Wendell Jones (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), Dr. Alexandra Webb (Chief, Surgical Service), and Christina Miller (HR, labor relations) have refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by unilaterally changing working conditions and refusing to honor its bargaining obligation regarding the change in working conditions of orthopedic personnel by relocating Orthopedics from Bldg 2, 5th floor, to Bldg 2, 8th floor.			
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/>			
c. Have you or anyone else raised this matter in any other procedure? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other _____			
4. DECLARATION			
I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes] <input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse)			
Donald Burrell			
Type or Print Your Name		Your Signature	
		27 August 15	
		Date	

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-15-0459</p> <p>Date Filed SEP 04 2015</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>Dallas VAMC & VISN 17 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>b. Agency Representative (include name, title, address)</p> <p>Wendell Jones, Jeff Milligan VISN 17 Director & Dallas VAMC Director</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell President, AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about August 24, 2015, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, JDr. Wendell Jones (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), Margie Johnson (Supervisor, Respiratory Service), and Derrick Gillians (Chief, Respiratory Service) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by unilaterally changing working conditions and refusing to honor its bargaining obligation regarding the change in working conditions of respiratory therapist assigned to the CPAP clinic.</p> <p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p> <p>c. Have you or anyone else raised this matter in any other procedure? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.</p> <p>THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;"> Donald Burrell <u>Donald Burrell (ss)</u> 27 August 15 Type or Print Your Name Your Signature Date </p>			

Withdrawn 01/07/16

NO. 0727

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST A LABOR ORGANIZATION</p>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CO-15-0472</p> <p>Date Filed SEP 21 2015</p>	
1. CHARGED LABOR ORGANIZATION		2. CHARGING PARTY	
<p>a. Name of Charged Labor Organization (include address, city, state, & ZIP)</p> <p>AFGE LOCAL 2437 4500 S. Lancaster Rd. Dallas, TX 75216</p>		<p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>George Varghese 239 Hound Hollow Forney, TX 75126</p>	
<p>b. Charged Labor Organization Representative (include name, title, address)</p> <p>Donald Burrell, President 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>tel. 2148570074 fax 2148570077</p> <p>e-mail Donald.Burrell@va.gov</p>		<p>b. Charging Party Representative (include name, title, address)</p> <p>George Varghese LVN 239 Hound Hollow Forney, TX 75126</p> <p>tel. 4696449403 fax</p> <p>e-mail George.Varghese2@va.gov</p>	
3. BASIS OF THE CHARGE			
<p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Please reference attached letter of correspondence last sent to Mr. Burrell.</p>			
<p>b. Which subsection(s) of 5 U.S.C. 7116(b) and/or (c) do you believe the Labor Organization has violated?</p> <p>7116(b)(1) <input type="checkbox"/> (b)(2) <input type="checkbox"/> (b)(3) <input type="checkbox"/> (b)(4) <input type="checkbox"/> (b)(5) <input type="checkbox"/> (b)(6) <input type="checkbox"/> (b)(7) <input type="checkbox"/> (b)(8) 7116(c)(1) <input type="checkbox"/> (c)(2) <input type="checkbox"/></p>			
<p>c. Have you or anyone else raised this matter in any other procedure? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If yes, where?</p> <p><input checked="" type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel</p> <p><input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel</p> <p><input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other</p>			
4. DECLARATION			
<p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input checked="" type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;"> George Varghese  9/18/15 </p> <p style="text-align: center;"> Type or Print Your Name Your Signature Date </p>			

August 18, 2015

Dear Mr. Burrell

It is with more than a fair amount of disappointment that I draft this letter to you.

I have been a dues-paying Union member since I began my career here approximately three years ago. As such, the expectation that if I required assistance the Union would be there for me made me feel supported. That has NOT been the case, however!! Hence my disappointment.

In December of 2014 I spoke with Yolanda Connor, Union Steward regarding the 'Unsatisfactory' proficiency given to me by my Nurse Manager, without a meeting or a request for input. I keep a binder of the many letters of appreciation from colleagues and patients alike, as well as continuing education certificates and other information that, in my opinion, is important and relevant to one's proficiency. There were several other LVNs who were also similarly affected, but they chose not to pursue a grievance secondary to my dismal experience with obtaining Union assistance.

It has been more than six months since I filed the grievance. After my initial meet with Ms. Connor I received fewer than three communications from her in as many months, with no forward movement. At that point I contacted her, requesting someone else assist me. Richard Shaw contacted me once, several days later, to state that he had asked my manager to give us three dates we could meet. I then received the second, and last, email communication from him stating that he had a meeting of some sort to attend and would not be able to make the meeting that had been set up.

To date, I have received no further assistance with this from any Union representative, nor has my manager attempted to meet with me.

At the risk of being redundant I again express my deep disappointment regarding what Union dues apparently affords one related to timely assistance.


I tried to cancel my membership many times but the office is closed due to contract negotiations. When I was able to come to the office when open, I was told that I would not be able to cancel until next year. This membership is a very deceiving. During orientation membership was enticing to join with a \$50 incentive to join. Never was it ever mentioned that you're obligated to membership for one year. Furthermore, I find it very disappointed that you cannot even get an appointment to discuss this situation with Mr. Burrell. This gives me the impression that problems try to be deflected rather than resolved.

I am respectfully requesting immediate cessation of the auto debit of Union dues from my paychecks. I am hoping to hear something by August 27, 2015 where this can be resolved at this local level otherwise I will have no choice but to escalate this to a higher level.

Thanking you in advance for your timely response,

Sincerely,

George Varghese

 <div style="display: inline-block; vertical-align: middle;"> <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p> </div>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-15-0483</p> <p>Date Filed SEP 29 2015</p>										
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>Dallas VAMC 4500 S. Lancaster Rd Dallas, TX 75216 (214)857-1166</p> <p>b. Agency Representative (include name, title, address)</p> <p>Jeff Milligan (facility director) & Dr. Wendell Jones (VISN director) 4500 S. Lancaster Rd Dallas, TX 75216</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO BOX 397960 Dallas, TX 75339 (214)857-4500</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell President, AFGE Local 2437 PO BOX 397960</p> <p>tel. (214)857-4500 fax e-mail donald.burrell@va.gov</p>										
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about September 14, 2015, and at all times thereafter, the Dallas VAMC & VISN 17, by its supervisors, officials, and/or agents, Dr. Wendell Jones (VISN 17 Director), Jeff Milligan (Dallas VAMC Director), Peter Dancy (Associate Director, Dallas VAMC) and Ruth Ann Bechdol (Chief, Pharmacy) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by refusing to honor the negotiated official time granted to Dr. Jerica Goodwin as a team member of AFGE Local 2437's negotiation team for the Local Supplemental Agreement (LSA). Additionally, the Dallas VAMC has exhibited bad faith bargaining and repudiated an agreement (Ground Rules for Negotiations of the LSA) reached with AFGE Local 2437 on April 10, 2014.</p> <p>The Dallas VAMC refusal to honor the Ground Rules for Negotiation of the LSA thereby disabling the Union's ability to have all members of its Negotiation team available for contract negotiations is an act aimed to discourage and intimidate this Local and Dr. Jerica Goodwin solely based on her protected activity and is designed to discourage membership within AFGE Local 2437.</p> <p>Lastly, this act represents continually retaliation and reprisal against Dr. Jerica Goodwin and Dr. Gerald Goodwin solely based on their engagement in protected activity, positions, and affiliation with AFGE Local 2437.</p>												
<p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input checked="" type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p>												
<p>c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Grievance Procedure</td> <td><input type="checkbox"/> Federal Mediation and Conciliation Service</td> <td><input type="checkbox"/> Federal Service Impasses Panel</td> </tr> <tr> <td><input type="checkbox"/> Equal Employment Opportunity Commission</td> <td><input type="checkbox"/> Merit Systems Protection Board</td> <td><input type="checkbox"/> Office of Special Counsel</td> </tr> <tr> <td><input type="checkbox"/> Other Administrative or Judicial Proceeding</td> <td><input type="checkbox"/> Negotiability Appeal to FLRA</td> <td><input type="checkbox"/> Other _____</td> </tr> </table>				<input type="checkbox"/> Grievance Procedure	<input type="checkbox"/> Federal Mediation and Conciliation Service	<input type="checkbox"/> Federal Service Impasses Panel	<input type="checkbox"/> Equal Employment Opportunity Commission	<input type="checkbox"/> Merit Systems Protection Board	<input type="checkbox"/> Office of Special Counsel	<input type="checkbox"/> Other Administrative or Judicial Proceeding	<input type="checkbox"/> Negotiability Appeal to FLRA	<input type="checkbox"/> Other _____
<input type="checkbox"/> Grievance Procedure	<input type="checkbox"/> Federal Mediation and Conciliation Service	<input type="checkbox"/> Federal Service Impasses Panel										
<input type="checkbox"/> Equal Employment Opportunity Commission	<input type="checkbox"/> Merit Systems Protection Board	<input type="checkbox"/> Office of Special Counsel										
<input type="checkbox"/> Other Administrative or Judicial Proceeding	<input type="checkbox"/> Negotiability Appeal to FLRA	<input type="checkbox"/> Other _____										
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.</p> <p>THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;"> Donald Burrell <i>Donald Burrell (ps)</i> 9/18/2015 </p> <p style="text-align: center;"> Type or Print Your Name Your Signature Date </p>												



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No. DA-CA-16-0017

Date Filed OCT 13 2015

Complete instructions are on the back of this form.

1. Charged Activity or Agency

Name: Jeffery L. Milligan, Director
Address: Dallas VA Medical Center, 4500 S. Lancaster Rd
Dallas, TX 75418
Tel.#: () Ext.
Fax#: ()

2. Charging Party (Labor Organization or Individual)

Name: AFGE Local 2437
Address: Dallas VA Medical Center, 4500 S. Lancaster Rd
Dallas, TX 75216
Tel.#: () Ext.
Fax#: ()

3. Charged Activity or Agency Contact Information

Name:
Title:
Address:
Tel.#: () Ext.
Fax#: ()

4. Charging Party Contact Information

Name: JAMES ALSUP
Title: NVAC ATTORNEY
Address: 80 F ST NW
WASHINGTON, DC 20001
Tel.#: (202) 494-9452 Ext.
Fax#: (202) 519-2928

5. Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? [See reverse] (1) and (a)(1) and (a)(2)

6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles.

On September 11, 2015, the Department of Veterans Affairs, Dallas VA Medical Center completed a personnel action to remove AFGE Local 2437 President, Donald Burrell, from federal employment. The basis of the removal action was for alleged racially derogatory statements made during a protected activity. Despite being informed of the required FLRA analysis for flagrant misconduct, no such analysis was reported in the final removal action. The removal is being grieved and will most likely be the subject of arbitration at a future date. The likelihood that the removal will be supported after arbitration is not high because the FLRA has consistently held that Union representatives acting in representational roles are protected from agency reprisal based on use of abusive language. Specifically, the language at issue in President Burrell's case has been found not to constitute language considered to be flagrant misconduct in Veterans Administration, Washington, DC and VA Medical Center, Cincinnati, OH and AFGE, Local 2301, 26 FLRA 114 (1987). President Burrell remains Local 2437 Local President during the pendency of the removal appeal.

On September 16, 2015, Director Jeffery L. Milligan signed a memorandum restricting President Burrell's access to the VAMC Dallas campus where Local 2437's main offices are located. The restriction is founded on authority provided in 38 C.F.R. 1.218, which, in essence, gives a Director authority to restrict access to VA facilities. Specifically, 38 C.F.R. 1.218 (a)(5) provides, among other things, for the removal of a person who uses "loud, abusive or otherwise improper language." Director Milligan contends in the Memorandum that since Burrell's removal action found that he used racially derogatory statements, such use provides the reason to restrict his access to Dallas VA facilities. The Director's conclusion is specious because it fails, as did the removal decision, to consider the FLRA requirement that President Burrell's statements must be found to be flagrant misconduct. No such finding has been made. Therefore, the application of the generic and potentially unconstitutional language found in section 1.218 is inappropriate and interferes with President Burrell's ability to properly represent the Bargaining Unit of Local 2437.

The violation of 5 U.S.C. 7116(a)(2) is articulated in the September 16 Memorandum where it limits Burrell's access to the following:

1. Medical care or treatment; 2. prior notice and reporting to VA Police of the purpose of a visit; 3. mutual prior arrangements to attend to the Local's union activities and representation; 4. a week's notice to management regarding entry onto the Dallas VA campus for purposes of participating in negotiations and limits to the room locations where Burrell can go; and, 5. Burrell can not use language that "could be reasonably construed as harassment, abuse or disrespectful recognized by Equal Employment Opportunity (EEO) laws as being prohibited."

The Memorandum, in association with statements made by Dallas VAMC managers and actions taken by Dallas VAMC managers makes clear that their long-term intent was to remove President Burrell from his Local President position and thereby damage the ability of Local to properly represent the interests of the Bargaining Unit, all in violation of 5 U.S.C. 7116(a)(2).

7. Have you or anyone else raised this matter in any other procedure? ☒ No ☐ Yes If yes, where? [see reverse]

8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #3 BY (check "x" box) ☐ Fax ☐ 1st Class Mail ☒ In Person


☐ Commercial Delivery ☐ Certified Mail

Perry Markovitz
Type of Print Your Name


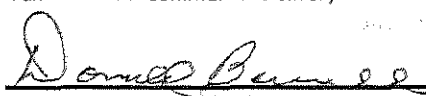
[Signature]
Your Signature

10-13-15
Date


Pending

 <div>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST A LABOR ORGANIZATION</div>		FOR FLRA USE ONLY	
		Case No. DA-CO-16-0041	Date Filed OCT 22 2015
1. CHARGED LABOR ORGANIZATION		2. CHARGING PARTY	
a. Name of Charged Labor Organization (include address, city, state, & ZIP) AFGE Local 2437 4500 South Lancaster Road Dallas, TX 75216		a. Name of Charging Party (include address, city, state, & ZIP) Department of Veterans Affairs 4500 South Lancaster Road (02) Dallas, TX 75216	
b. Charged Labor Organization Representative (include name, title, address) Donald Burrell, President, AFGE Local 2437 Gary Martinez, Chief Negotiator, AFGE Local 2437 4500 South Lancaster Road Dallas, TX 75216 tel. 214 857-0074 fax e-mail donald.burrell@va.gov		b. Charging Party Representative (include name, title, address) Kenneth S. Carroll (on behalf of Donald Kelly, Chief Negotiator, VA North Texas Health Care System, Veterans Integrated System Network 17, VA DFW National Cemetery, VA Consolidated Mail Out Pharmacy, & Veterans Canteen Services) 4500 South Lancaster Road (02), Dallas, Texas 75216 tel. 202 374 9967 fax 214 302 1407 e-mail kenneth.carroll@va.gov	
3. BASIS OF THE CHARGE			
a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. This is filed as an unfair labor practice claim and a breach of settlement (non-compliance). On April 29, 2015, the Union (by Donald Burrell) signed a settlement of ULP DA-CO-15-0010, in which the Union agreed that it would not bargain in bad faith during collective bargaining negotiations over a local supplemental agreement (LSA) with the Agency by, inter alia, (1) refusing or failing to continue negotiations over the LSA, (2) failing to meet for negotiations on the LSA, or (3) suspending negotiations unless mutually agreed. On September 18, 2015, during negotiations for the week of September 14, 2015, Gary Martinez (Martinez) sent an email to Donald Kelly advising that the Union was unilaterally suspending negotiations. See attached. Thereafter, the Union failed to attend scheduled negotiations for that week. On October 13, 2015, Kenneth Carroll (named as the Acting Agency Chief Negotiator for the month of October) sent an email to Martinez, reminding him of the location of negotiations scheduled for the week of October 19, 2015. See attached. Although Martinez read that email on that same day (see attached), he did not respond until Saturday, October 17, 2015, and in that email stated that the Union was unilaterally suspending negotiations indefinitely. See attached. Thereafter, the Union did not appear for negotiations on October 19, 2015. The Union's conduct constitutes an unfair labor practice and a breach of settlement (non-compliance).			
b. Which subsection(s) of 5 U.S.C. 7116(b) and/or (c) do you believe the Labor Organization has violated? 7116(b)(1) <input type="checkbox"/> (b)(2) <input type="checkbox"/> (b)(3) <input type="checkbox"/> (b)(4) <input type="checkbox"/> (b)(5) <input type="checkbox"/> (b)(6) <input type="checkbox"/> (b)(7) <input type="checkbox"/> (b)(8) <input type="checkbox"/> 7116(c)(1) <input type="checkbox"/> (c)(2) <input type="checkbox"/>			
c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other			
4. DECLARATION			
I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes] <input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse) Kenneth S. Carroll _____ October 19, 2015 Type or Print Your Name Your Signature Date			



Pending

 <div style="margin-left: 20px;"> UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY </div>		FOR FLRA USE ONLY Case No. DA-CA-16-0047 Date Filed OCT 29 2015	
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT a. Name of Charged Agency (include address, city, state, & ZIP) Department of Veteran Affairs (Attn: Robert McDonald) 810 Vermont Ave NW Washing 20420 b. Agency Representative (include name, title, address) Secretary Robert McDonald Department of Veteran Affairs 810 Vermont Ave NW Washing 20420 tel. (202) 461-4809 fax e-mail bob.mcdonald@va.gov		2. CHARGING PARTY a. Name of Charging Party (include address, city, state, & ZIP) AFGE Local 2437 PO Box 397960 Dallas, TX 75339-7960 b. Charging Party Representative (include name, title, address) Donald Burrell AFGE Local 2437 PO Box 397960 Dallas, TX 75339-7960 tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov	
3. BASIS OF THE CHARGE a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. Since on or about October 1, 2015, and at all times thereafter, the Department of Veteran Affairs, by its supervisor, official, and/or agent, Robert McDonald (Secretary of VA), Dr. Wendell Jones (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), Peter Dancy (Associate Director, Dallas VAMC), and Ruth Ann Bechdol (Chief, Pharmacy) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by refusing to honor its bargaining obligations and unilaterally implementing new performance standards for the following pharmacy positions: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> -Anticoag Technician -Chronic Pain/CARF Pharmacist -Drug Information Pharmacist -Inpt Clinical/Acute Care Pharmacist -Infections Disease Pharmacist -Clinical Pharmacists -Women's Telehealth Pharmacist -ADPAC/Data Manager -Pharmacoeconomics Specialist, Program Manager -Automation Technician </div> <div style="width: 50%;"> -Anticoag Pharmacist -Heme/One Pharmacist -Geriatrics/HBPC Pharmacist -Surgical (ICU/OR) Pharmacist -Hep C Pharmacist -Ambulatory Care PACT Pharmacists -Secretary -Pharmacoeconomics Pharmacist -Office Automation Assistant </div> </div> b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input checked="" type="checkbox"/> c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Other Administrative or Judicial Proceeding </div> <div style="width: 33%;"> <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Negotiability Appeal to FLRA </div> <div style="width: 33%;"> <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other _____ </div> </div>			
4. DECLARATION I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes] <input type="checkbox"/> In Person <input checked="" type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse) <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Donald Burrell _____ Type or Print Your Name </div> <div style="width: 30%; text-align: center;">  _____ Your Signature </div> <div style="width: 30%; text-align: right;"> 10/21/2015 _____ Date </div> </div>			



Pending

 <div>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</div>		FOR FLRA USE ONLY	
		Case No. DA-CA-16-0119	Date Filed JAN 11 2016
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT		2. CHARGING PARTY	
a. Name of Charged Agency (include address, city, state, & ZIP) Dallas VAMC & VISN 17 4500 S. Lancaster Rd. Dallas, TX 75216		a. Name of Charging Party (include address, city, state, & ZIP) AFGE Local 2437 PO BOX 397960 Dallas, TX 75339	
b. Agency Representative (include name, title, address) Wendell Jones, Jeff Milligan VISN 17 Network Director & Dallas VAMC Director tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov		b. Charging Party Representative (include name, title, address) Donald Burrell President, AFGE Local 2437 PO BOX 397960 Dallas, TX 75339 tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov	
3. BASIS OF THE CHARGE			
a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. Since on or about October 27, 2015, and at all times thereafter, VISN 17 and the Dallas VAMC, by its supervisors officials and/or agents Dr. Wendell Jones (VISN 17 Director), Dr. Jeff Hastings (Chief of Staff), and Jeff Milligan (Director, Dallas VAMC) has failed to provide the exclusive representative with data requested by the union regarding performance pay for employees (MDs) in 2013-2014 and performance pay criteria for 2012-2014 at the Dallas VAMC thereby in violation of 7114(b)(4).			
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/>			
c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other			
4. DECLARATION			
I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes] <input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> e-mail (see reverse) Donald Burrell <u>Donald Burrell (m)</u> 12/28/2015 Type or Print Your Name Your Signature Date			


Pending

 <div style="display: inline-block; text-align: left;"> UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY </div>		FOR FLRA USE ONLY Case No. DA-CA-16-0211 Date Filed FEB 29 2016	
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT a. Name of Charged Agency (include address, city, state, & ZIP) VISN 17 & Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216 (214)857-1166 b. Agency Representative (include name, title, address) Joseph Dalpiaz & Jeff Milligan VISN 17 Network Director & Dallas VAMC Director 4500 S. Lancaster Rd. Dallas, TX 75216 tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov		2. CHARGING PARTY a. Name of Charging Party (include address, city, state, & ZIP) AFGE Local 2437 PO BOX 397960 Dallas, TX 75339 (214)857-0074 b. Charging Party Representative (include name, title, address) Donald Burrell President, AFGE Local 2437 PO Box 397960 Dallas, TX 75339 tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov	
3. BASIS OF THE CHARGE a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. Since on or about February 19, 2016, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director) and Jeff Milligan (Director, Dallas VAMC) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by unilaterally changing working conditions by beginning the installation of a system that will create "Changes in Building Access" and refusing to meet at a mutual time and confer in good faith regarding the Demand to Bargain filed regarding this matter.			
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/>			
c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other			
4. DECLARATION I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes] <input type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)			
Donald Burrell			
Type or Print Your Name		Your Signature	
		Date	
		2/24/16	



Pending

 <div style="display: inline-block; vertical-align: middle;"> <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p> </div>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-16-0212</p> <p>Date Filed FEB 29 2016</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>VISN 17 & Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216 (214)857-1166</p> <p>b. Agency Representative (include name, title, address)</p> <p>Joseph Dalpiaz & Jeff Milligan VISN 17 Network Director & Dallas VAMC Director 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO BOX 397960 Dallas, TX 75339 (214)857-0074</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell President, AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about December 29, 2015, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director), Jeff Milligan (Director, Dallas VAMC), and Derrick Gillians (Chief, Respiratory Service) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by unilaterally changing working conditions of Ms. Faylene Byrd without fulfilling its bargaining obligation. Additionally, the Dallas VAMC has engaged in acts and conduct involving bypassing the Union and directly negotiating and entering into an agreement with said employee, which were designed to undermine the status of said Labor organization.</p> <p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p> <p>c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;">Donald Burrell  2/24/16</p> <p style="text-align: center;">Type or Print Your Name Your Signature Date</p>			

Pending

 <div style="display: inline-block; text-align: left;"> <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p> </div>		<p>FOR FLRA USE ONLY</p> <p>Case No. <u>DA-CA-16-0213</u></p> <p>Date Filed FEB 29 2016</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>VISN 17 & Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216 (214)857-1166</p> <p>b. Agency Representative (include name, title, address)</p> <p>Joseph Dalpiaz & Jeff Milligan VISN 17 Network Director & Dallas VAMC Director 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO BOX 397960 Dallas, TX 75339 (214)857-0074</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell President, AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about December 29, 2015, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director) and Jeff Milligan (Director, Dallas VAMC) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by refusing to meet at a mutual date & time and confer in good faith regarding the Demand to Bargain filed regarding criteria used for the performance awards for physicians.</p> <p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p> <p>c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.</p> <p>THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]</p> <p><input type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;"> Donald Burrell 2/24/16 </p> <p style="text-align: center;"> Type or Print Your Name Your Signature Date </p>			

Pending

 <p>UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p>		<p>FOR FLRA USE ONLY</p> <p>Case No. DA-CA-16-0214</p> <p>Date Filed FEB 29 2016</p>	
<p>1. AGENCY AGAINST WHICH CHARGE IS BROUGHT</p> <p>a. Name of Charged Agency (include address, city, state, & ZIP)</p> <p>VISN 17 & Dallas VAMC 4500 S. Lancaster Rd. Dallas, TX 75216 (214)857-1166</p> <p>b. Agency Representative (include name, title, address)</p> <p>Joseph Dalpiaz & Jeff Milligan VISN 17 Network Director & Dallas VAMC Director 4500 S. Lancaster Rd. Dallas, TX 75216</p> <p>tel. (214)857-1166 fax e-mail jeffery.milligan@va.gov</p>		<p>2. CHARGING PARTY</p> <p>a. Name of Charging Party (include address, city, state, & ZIP)</p> <p>AFGE Local 2437 PO BOX 397960 Dallas, TX 75339 (214)857-0074</p> <p>b. Charging Party Representative (include name, title, address)</p> <p>Donald Burrell President, AFGE Local 2437 PO Box 397960 Dallas, TX 75339</p> <p>tel. (214)857-4500 fax (214)857-0077 e-mail donald.burrell@va.gov</p>	
<p>3. BASIS OF THE CHARGE</p> <p>a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.</p> <p>Since on or about November 20, 2015, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director) and Jeff Milligan (Director, Dallas VAMC) has refused to consult or negotiate in good faith concerning matters affecting working conditions with AFGE Local 2437, as exclusive representative, by refusing to meet at a mutual date & time and confer in good faith regarding the Demand to Bargain filed regarding security concerns at the Polk Street Clinic of the Dallas VAMC.</p> <p>b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) <input checked="" type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input checked="" type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/></p> <p>c. Have you or anyone else raised this matter in any other procedure? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, where?</p> <p><input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other _____</p>			
<p>4. DECLARATION</p> <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.</p> <p>THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY (check all appropriate boxes)</p> <p><input type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p style="text-align: center;">Donald Burrell  2/24/16</p> <p style="text-align: center;">Type or Print Your Name Your Signature Date</p>			

Pending



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No. **DA-CA-16-0223**

Date Filed: **MAR - 8 2016**

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

VISN 17 & Dallas VAMC
4500 S. Lancaster Rd.
Dallas, TX 75216
(214)857-1166

b. Agency Representative (include name, title, address)

Joseph Dalpiaz & Jeff Milligan
VISN 17 Network Director & Dallas VAMC Director
4500 S. Lancaster Rd.
Dallas, TX 75216

tel. (214)857-1166

fax

e-mail jeffery.milligan@va.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Local 2437
PO BOX 397960
Dallas, TX 75339
(214)857-0074

b. Charging Party Representative (include name, title, address)

Donald Burrell
President, AFGE Local 2437
PO Box 397960
Dallas, TX 75339

tel. (214)857-4500

fax (214)857-0077

e-mail donald.burrell@va.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

Since on or about November 13, 2015, and at all times thereafter, the Dallas VAMC, by its supervisor, official, and/or agent, Joseph Dalpiaz (VISN 17 Director) and Jeff Milligan (Director, Dallas VAMC) has failed to provide the exclusive representative with data requested by the Union concerning contracting of bargaining unit work at the Dallas VAMC thereby being in violation of 7114(b)(4).

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ☒ (2) ☐ (3) ☐ (4) ☐ (5) ☒ (6) ☐ (7) ☐ (8) ☐

c. Have you or anyone else raised this matter in any other procedure? No ☒ Yes ☐ If yes, where?

- ☐ Grievance Procedure ☐ Federal Mediation and Conciliation Service ☐ Federal Service Impasses Panel
☐ Equal Employment Opportunity Commission ☐ Merit Systems Protection Board ☐ Office of Special Counsel
☐ Other Administrative or Judicial Proceeding ☐ Negotiability Appeal to FLRA ☐ Other

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]:

- ☐ In Person ☐ 1st Class Mail ☐ Fax ☐ Commercial Delivery ☐ Certified Mail ☐ e-mail (see reverse)

Donald Burrell

Donald Burrell

2/24/16

Type or Print Your Name

Your Signature

Date